

**Kearney, Nebraska**  
**February 9, 2010**  
**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 February 9, 2010, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant to the City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Jim Lynaugh, Airport Manager were also present. Some of the citizens present in the audience included: Scott Stober, Kevin Hibbs, Tom Henning, Jeremiah Quintin, Ken Owens, 4 UNK students, Steve Altmaier from KGFW 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**

Steve Glover from the Kearney Jubilee Center provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

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

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

### **LEASE AGREEMENT WITH OTIS AIR SERVICE**

Mayor Clouse stated that any action on the Non-Owned Corporate Hangar T-925 Lease between the City of Kearney and Otis Air Service and on the Non-Owned Corporate Hangar T-925 Lease between the City of Kearney and Otis Air Service and Resolution No. 2010-9 is postponed until February 23, 2010.

## **III. PUBLIC HEARINGS**

### **REZONING EAST OF 9TH AVENUE BETWEEN 78TH ROAD AND NEBRASKA HIGHWAY 40**

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

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Randy Alexander (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 9th Avenue between 78th Road and Nebraska Highway 40). Planning Commission recommended approval.

The applicant is requesting approval of rezoning and platting of a parcel of land located in the two-mile extraterritorial zoning jurisdiction north and west of Kearney. The property is located south of State Highway 40 on the west side of 78th Road. The property was formerly part of the railroad right-of-way that paralleled Highway 40 on the south side. The railroad tracks were abandoned and removed years ago and the right-of-way reverted back to the adjacent property owners. The proposed lot is 160 feet wide and consists of 4.34 acres. The requested rezoning is from Agricultural to RR-1, Rural Residential District (Rural Standards). Minimum lot size in this district is 3 acres. The Preliminary Plat was approved by Planning Commission on January 15, 2010. The lot will take access from 78th Road. A single-family house will be moved onto the property. The house will be served by individual well and septic systems. There is adequate space available on the lot to meet the required separation standards for well and septic systems. The building setbacks are shown on the plat. A limited number of livestock are allowed in the RR-1 zoning district and there may be some horses at this location. Outbuildings are also allowable by Code.

Craig Bennett from Miller & Associates presented this matter to the Council. The Land Use Map shows the area as High Density Residential. The application is to make a plat or a one lot subdivision over the top of what used to be railroad right-of-way. The current zoning on the north, west, south and east sides of the subdivision are agricultural by default. Fairly close on the north is the Glenwood Elementary School which is zoned RR-1 and to the southwest is Glenwood Estates Subdivision which is zoned R-1 with a few R-3's to the west. Essentially, it is adjacent to and contiguous to the Woodriver Trailer Park which recently came to the Council for some well and septic

improvements. The 100-foot flood plane is across from the property on the other side of the highway. The existing county road right-of-way known as 78th Road is 33 feet. They have dedicated the additional right-of-way for a total of 50 feet on that side of the right-of-way. They have identified the building setbacks on three sides. The building and egress would be taken off of 78th Road and currently would not access the highway from this parcel of ground.

The owner wants to bring a house in and add a proposed well. When they looked at replacing the well required for the trailer park, they replaced it with a well that falls under the classification of a municipal well that has a different spacing requirement. If they had a 1,000 foot separation from this "public" well, it leaves a little triangle in this parcel that is available and would fall outside of any well offset. The convenience store has transient and non-transient people going to it and would potentially be considered as a public well and its offset spacing, as well as the school district's well. The triangle space is primarily the only space left on that parcel where a well could be drilled. The other point of notation is a 500-foot spacing that is required from a public well for septic tanks. Although their well has greater separation from any public well which is a 1,000 feet, they could place a septic tank within that 1,000 feet, but not closer than 500 feet from the well. They have plotted the locations of where to place the well and the septic tank. This is a buildable lot in terms of being able to provide water and septic for this lot.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Randy Alexander (Owner) to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 9th Avenue between 78th Road and Nebraska Highway 40). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

### **FINAL PLAT FOR KATIE ROSE SUBDIVISION**

Mayor Clouse opened the public hearing on the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Randy Alexander (Owner) for the Final Plat for Katie Rose Subdivision of Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 9th Avenue between 78th Road and Nebraska Highway 40) and to consider Resolution No. 2010-20. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and approve the Application submitted by Craig Bennett from Miller & Associates (Applicant) for Randy Alexander (Owner) for the Final Plat for Katie Rose Subdivision of Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M.,

Buffalo County, Nebraska (east of 9th Avenue between 78th Road and Nebraska Highway 40) and approve **Resolution No. 2010-20**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2010-20**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of "Katie Rose Subdivision" of Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska being more particularly described as follows: Referring to the southwest corner of said Northeast Quarter and assuming the south line of said Northeast Quarter (also being the centerline of 78th Road, Buffalo County, Nebraska) as bearing N89°01'07"E and all bearings contained herein are relative thereto; thence N89°01'07"E on said south line a distance of 865.23 feet to the ACTUAL POINT OF BEGINNING; thence continuing N89°01'07"E on said south line a distance of 310.85 feet to the southwesterly right-of-way line of Nebraska State Highway No. 40; thence N60°00'40"W on said southwesterly right-of-way line a distance of 1362.16 feet to the west line of said Northeast Quarter; thence S00°14'42"E on said west line a distance of 185.16 feet to the southwesterly right-of-way line of the Kearney Branch of the Union Pacific Railroad (now abandoned); thence S60°00'40"E on said southwesterly right-of-way line a distance of 1002.33 feet to said south line and the point of beginning, containing 4.34 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **CATERING LIQUOR LICENSE FOR SHOOTERS**

Mayor Clouse opened the public hearing on the Application for a catering license submitted by KEARNEY SHOOTERS INC., dba Shooters located at 2023 1st Avenue in connection with their Class C-67029 liquor license and to consider Resolution No. 2010-21.

Kevin Hibbs from Shooters presented this matter to the Council. They want to add the catering license to their existing license to expand and do weddings and other events, such as the Cattleman's Classic. In the five years they have been open, they have not had a violation. Mr Hibbs stated he will personally be at any event that they will be catering and will have door people and wristbands and whatever is required.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and approve the Application for a catering license submitted by KEARNEY SHOOTERS INC., dba Shooters located at 2023 1st Avenue in connection with their Class C-67029 liquor license and approve **Resolution No. 2010-21**. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

### **RESOLUTION NO. 2010-21**

WHEREAS, KEARNEY SHOOTERS INC., dba Shooters has filed with the City Clerk of the City of Kearney, Nebraska, an application for a Catering License in connection with their Class C-67029 Liquor License and doing business at 2023 1st Avenue, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, a hearing was held relating to said application on February 9, 2010.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of a Catering License to KEARNEY SHOOTERS INC., dba Shooters in connection with their Class C-67029 Liquor License located at 2023 1st Avenue.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the Council action favoring the issuance of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **CATERING LIQUOR LICENSE FOR BIG APPLE FUN CENTER**

Mayor Clouse opened the public hearing on the catering license submitted by APPLE FUN CENTER INC., dba Big Apple Fun Center located at 500 West 4th Street in connection with their Class C-24505 liquor license and to consider Resolution No. 2010-22.

Ken Owens from the Big Apple Fun Center presented this matter to the Council. They are also catering several individual activities and would like to obtain the catering license so they can do more. They are working in conjunction with Come N' Get It and hope to do some other events at the Armory in the future. He added that the Big Apple has had no violations in more than 25 years. They turn in all the violators to the police and have no leniency.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and approve the catering license submitted by APPLE FUN CENTER INC., dba Big Apple Fun Center located at 500 West 4th Street in connection with their Class C-24505 liquor license and

approve **Resolution No. 2010-22**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

### **RESOLUTION NO. 2010-22**

WHEREAS, APPLE FUN CENTER INC., dba Big Apple Fun Center has filed with the City Clerk of the City of Kearney, Nebraska, an application for a Catering License in connection with their Class C-24505 Liquor License and doing business at 500 West 4th Street, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, a hearing was held relating to said application on February 9, 2010.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of a Catering License to APPLE FUN CENTER INC., dba Big Apple Fun Center in connection with their Class C-24505 Liquor License located at 500 West 4th Street.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the Council action favoring the issuance of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **SANITARY SEWER MAIN EASEMENTS – BROWN PROPERTIES**

Mayor Clouse opened the public hearing on the proposed acquisition for a Temporary and Permanent Sanitary Sewer Main Easement for two tracts of land located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska and to consider Resolution No. 2010-23.

Director of Utilities Kirk Stocker presented this matter to the Council. Nebraska Revised Statute 18-1775 requires that a City of the first class acquiring an interest in real property shall do so only after the governing body has authorized the acquisition by action taken in a public meeting after notice and a public hearing.

The construction of the 2009 Part 12 Improvements will bring water and sanitary sewer mains to southwest Kearney. The two easements are located along the east line of Lot 1, Knapp's Second Subdivision and are needed in order to construct an eight inch diameter sanitary sewer main from 16th Street northward to the south line of Knapp's Subdivision. The sanitary sewer main will serve Lot 1, Knapp's Second Subdivision and Knapp's Subdivision.

Brown Properties is the owner of Lot 1, Knapp's Second Subdivision and has granted the easements as part of an overall agreement to connect to City water and sanitary sewer and to allow the annexation their property into the City Limits. The agreement is included on the Consent Agenda of this Council meeting. The easements will be filed at the Buffalo County Register of Deeds Office after the Council approves the acquisition.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Kearney to close the hearing and approve the proposed acquisition for a Temporary and Permanent Sanitary Sewer Main Easement for two tracts of land located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska and approve **Resolution No. 2010-23**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2010-23**

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 acquisitions 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 temporary and permanent sanitary sewer main easements for the construction of the 2009 Part 12 Improvements and voted in favor to proceed with the acquisition; and

WHEREAS, Brown Properties, LLC has granted to the City of Kearney, Nebraska two Temporary and Permanent Sanitary Sewer Main Easements for the following tracts of land:

#### TEMPORARY SANITARY SEWER MAIN EASEMENT – TRACT A

A 25-foot wide temporary sanitary sewer easement located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska more particularly described as follows: the west 25 feet of the east 35 feet of the south 297 feet of said Lot 1, containing 0.17 acres, more or less, all located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska; AND

#### PERMANENT SANITARY SEWER MAIN EASEMENT – TRACT B

A 10-foot wide sanitary sewer easement located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska more particularly described as follows: the east 10 feet of the south 297 feet of said Lot 1, containing 0.07 acres, more or less, all located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska; AND

#### TEMPORARY SANITARY SEWER MAIN EASEMENT – TRACT C

A 25-foot wide temporary sanitary sewer located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska more particularly described as follows: referring to the northeast corner of said Lot 1; thence west on the north line of said Lot 1 a distance of ten feet to the point of beginning; thence south parallel with the east line of said lot a distance of 213.49 feet to a point on said easement line; thence deflecting 6°14'10" right on said east a distance of 137.92 feet; thence deflecting 23°21'27" right continuing on said east line a distance of 20.28 feet; thence north parallel with said east line a distance of 368.24 feet to said north line; thence east on said north line a distance of 25 feet to the point of beginning, containing 0.18 acres, more or less, all located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska.

#### PERMANENT SANITARY SEWER MAIN EASEMENT – TRACT D

A 10-foot wide sanitary sewer easement located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska more particularly described as follows: beginning at the northeast corner of said Lot 1; thence south on the east line of said Lot 1 a distance of 121.97 feet; thence deflecting 6°14'10" right continuing on said ease line a distance of

92.05 feet; thence deflecting 173°45'50" right parallel with said east line a distance of 213.49 feet to the north line of said Lot 1; thence east on said north line a distance of ten feet to the point of beginning, containing 0.04 acres, more or less, all located in Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska; and

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the two Temporary and Permanent Sanitary Sewer Main Easements, marked as Exhibits "1" and "2" attached hereto and made a part hereof by reference, granted by Brown Properties, LLC to the City of Kearney, Nebraska, be and are hereby accepted and approved.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

City Manager Michael Morgan requested that Mr. Stocker give a brief overview of the 30th Avenue project and the closure to bring everyone up to date. The 30th Avenue project is part of an overall project that will tie into existing water/sewer in 11th Street at Kea West Avenue and extend west to 30th Avenue, north on 30th Avenue along the west side of the overpass to serve those lots and then east of 30th Avenue and 16th Street about 1600 feet. There have been some comments made about putting it in the street. Staff believes that if they construct the water/sewer in the street, it abuts more property and therefore potentially is able to serve more property with the project. When they took bids on the 30th Avenue project, the contract specifications included requirements that all of the water and sanitary sewer be completed by June 15.

The project is divided into three phases: the first phase is 30th Avenue north of 16th Street and 16th Street east of 30th Avenue, the second phase is 30th Avenue south of 16th Street to 11th Street, the third phase is 11th Street from Kea West Avenue to 30th Avenue. There have been comments about the length of time this is going to take for the water/sewer construction. The sanitary sewer is being laid as deeply as possible so that it can be available to be extended in the future and can serve as much property as possible without constructing a sanitary sewer lift station. By the same token, when they lay the sanitary sewer that deep in this area, they will get into sandy soils and ground water which requires more work to deal with the excavation and dewatering of the ground water so that the pipe can be laid.

The contract requires the contractor to maintain access to local traffic; however, it does not require that they build a by-pass road to allow for through traffic. It is just too costly to build and maintain with the number of vehicles that would be using it and it might create some liability issues. Midlands Contracting was the low bidder for the project and the City had hoped to award the bid at this Council meeting, but does not have approval from EDA to begin work. As a result, that portion will have to be delayed. Midlands' bid was an excellent bid of \$2,269,000 and of that the City is fortunate to have received a \$1.5 million grant from EDA to pay for that project. This grant is a huge benefit to the sewer budget. They are anxious to get started with the work so the project can be completed. The target date for the water/sewer is June 15. Phase one of the paving is to be done by April 15th so the contractors can move right in upon completion. Phase two is 16th Street and widening 30th Avenue from 16th Street north to the

overpass. They will be able to start south of 16th Street and go to 11th Street with a completion date of September 30.

City Manager stated the other issue on this project is there are two high pressure gas distribution systems at the corner of 11th Street. In some cases, they would have greater flexibility with creating additional access roads. These are not lines that can be driven over and so create some conflict. This is a very large project with water/sewer, creating major lines and major street construction. They are also looking at 11th Street paving proceeding with the County this year and anticipate working on 11th Street and 30th Avenue at the same time with paving. They will have to coordinate for traffic to get in and out of there in some way. They will do both sides of the entire stretch on 11th Street; they might pave one side at a time, but they will have to do the subgrade all at once. It will be closed.

City staff has talked with the Berean Church in the past in depth about the project trying to keep access to them, as well as the other property owners. Business owners to the north on 11th Street are concerned, but when this project is finished it will actually bring more business to their area. The City has gotten the contractors on the tightest schedule possible. This work is necessary to serve The Buckle. The City is waiting on the federal government to allow the City to accept the bids. One of the problems is when the City accepts federal money it must accept certain requirement. The City requested that it would accept full responsibility if for some reason the paperwork was inaccurate. That request takes a couple months to get it approved.

This project is similar to what was done north on 30th Avenue a few years ago, when the entire roadway had to be closed for construction in the area. In the press release, there was some premature information that went out and the contractors put up a sign which they probably should not have done before the City was ready to go. The City will be in contact with the property owners as soon as it learns what the true schedule is going to be. One of the requirements in the specifications is the contractor must post the street closure a week before work begins. Normally the process is to receive the bids, Council awards the bid, a preconstruction meeting is held a few days after, the schedule is set and a news release is put out regarding the closure. The contractor was doing the things that he could do, until the City gets the approval from the EDA to start, like submit shop drawings, etc. Unfortunately, the contractor posted the sign regarding the street closure and they should not have done that. The sign should be posted one week before the actual closing.

Mayor Clouse stated that phase one for The Buckle over the overpass will be local traffic so they can maintain their operation. Traffic will be maintained to Brown Church properties and the lot north of them. There is also another home on the northwest corner of 11th Street and 30th Avenue which will maintain access. It is uncertain how the contractor plans to do that, perhaps from 11th Street or north down 30th Avenue. City staff met with the Berean Church in October 2009 and received input from them about their services and what their requirements might be. After telling them about the project, they stated they were comfortable with their access coming off 11th Street. Completion date for 11th Street intersection and 30th Avenue is the end of September. All local and emergency traffic will be maintained. The project is phased to meet the needs of The Buckle to initially allow them access to the north. That will be the first part

that is done and opened up permanently to serve their goal of July 15.

The County project is a separate project and they have not yet set that date. Director of Public Works stated that Ron Sklener from the County stated the County has to spend their monies this year. They have moved this project from next year to this year. The City will coordinate with the County for access for local residents. The good news is this will be water/sewer that will serve a huge development area with some minor extensions off those main thoroughfares. The funding available for the County is not normally available. This is a one time opportunity with an Interlocal Agreement between the City and County for 56th Street and 11th Street which will be 4-lane, curb and gutter funding, as well as enhanced drainage. These are difficult projects that take a long time, but will serve the area well for a long time.

Council member Lammers asked about the depth of the water/sewer main and the water table in the area. Director of Utilities stated depending on the area of the site the depth would be from 12-14 feet and would encounter ground water at 9-10 feet deep. Dewatering is one issue, but then that water has to be transferred out of the area through discharge piping which makes access harder because you cannot drive over it. That depth in sandy soil creates extremely wide trenches to be opened. The goal is to build it right the first time so it can be extended more than a mile in the future without pumping stations. This will be a 21-inch sewer main and 16-inch water main with large capacity so there will be plenty of fire protection for future development along the route.

Mr. Stocker stated they have scheduled what they are calling a pre-award meeting with the contractor this week to get the contractor's schedule and his approach to how he is going to do the project and complete it by the required completion dates. As soon as the EDA gives the authority to award the bid, it will be brought to Council for approval, the press release will be sent out with the official schedule.

City Manager stated that Midlands Contracting is based out of Kearney and has done excellent projects for the City in the past. Midlands has already ordered the materials, at some risk, since they have not been awarded the bid yet. They wanted to get materials ordered in order to meet the requirements to get the project done on time. Midlands has had extensive experience in laying similar projects for the City from 4th Street from 6th Avenue west to Yanney Park and did an exceptional job.

Mayor Clouse stated the projects that the City has control over will be completed by the end of September 2010. 11th Street depends on what type of contract the County gets. He wanted to make sure there are no preconceived notions or ideas that these streets will be open this summer. They will be shut down for the entire summer into the fall and maybe longer. The City work for water/sanitary sewer will begin in May just off the north side of the pavement so they can maintain access to the west.

City Manager stated that the contract with Midlands was very specific and aggressive in the requirements of the project schedule. The City did not leave it open ended at all to meet those deadlines. This was also done with the paving requirements.

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

Mayor Clouse stated the Agenda has been amended to include Item 16 for a \$5,000 request by the Kearney Volunteer Fire Department for a pedestal to honor local firefighter; and Item 17 to award G D Construction to place a concrete pad and adjacent sidewalk for a large piece of equipment at Yanney Park.

Mayor Clouse stated staff requested that Subsection 6 pertaining to the Consultant Agreement with HWS Consulting Group be removed from the Consent Agenda and discussed and approved at the same time as the plans for the Terminal Rehabilitation Project was discussed on the Regular Agenda.

Any action on Subsection 15 on awarding the bid for the 2009 Part 12 Improvements has been postponed.

Moved by Kearney seconded by Lammers that Subsections 1 through 5, 7 through 14, 16 and 17 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 January 26, 2010.

2. Approve the following Claims:

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

3M \$2,151.00 Smcs; Ace Eaton \$360.81 Smcs; Ace Hardware \$99.99 Smcs; Active Forever \$34.25 Co; Advance Auto Parts \$5.99 Smcs; Affiliated Computer Services \$1,065.00 Smcs; Aflac \$2,871.62 Ps; Alliance Wireless \$708.24 Smcs; Amax Contracting \$3,109.00 smcs,co; Amazon \$185.73 Smcs; Amer Electric \$204.87 Smcs; Amer Fence \$1,060.69 Smcs; Amer First Aid \$160.38 Smcs; Amer Library Assn \$304.10 Smcs; APWA \$400.00 Smcs; Anderson Brothers \$196.16 Smcs; Anderson,L \$423.00 Smcs; Ashton Jackson Music \$300.00 Smcs; Ask Supply \$1,006.12 Smcs; ASLA Member Services \$360.00 Smcs; Baker & Taylor Books \$4,403.22 Smcs; Bar and Kitchen \$213.47 Co; Batt Depot \$58.99 Co; Baye,S \$10.20 Smcs; BBC Audiobooks \$147.88 Smcs; Big Deal Electric \$69.12 Smcs; Bluecross Blueshield \$64,647.02 Smcs; Boogaarts \$14.66 Smcs; Bosselman \$1,521.65 Smcs; Broadfoot's \$2,637.00 Smcs; Brungardt Engineering \$3,347.50 Co; Buffalo Co Reg Deeds \$26.00 Smcs; Buffalo Outdoor Power \$225.98 Smcs; Builders \$2,487.77 smcs,co; Business Office Systems \$225.00 Smcs; Cabela's \$122.33 Smcs; Carquest \$1,905.85 smcs,co; Cash-Wa \$937.75 Smcs; Cassetica Software \$26,000.00 Co; CDW Govt \$233.43 Smcs; Central District Health Dept \$2,494.00 Smcs; Central Hydraulic Systems \$2,350.25 Smcs; Central NE Bobcat \$380.51 Smcs; Central States Wire \$1,195.62 Smcs; CH Diagnostic \$445.00 Smcs; Charter \$679.93 Smcs; Chesterman \$161.75 Smcs; Chism,S \$23.71 Smcs; City of Ky \$245,098.75 smcs,ps; Cold Spring Granite \$630.50 Smcs; College of Savings of NE \$150.00 Ps; Complete Music \$310.00 Smcs; Consec Life Ins \$24.00 Ps; Construction Rental \$25.00 Smcs; Cook,B \$48.55 Smcs; Copycat Printing \$1,516.84 Smcs; Core Products \$260.02 Smcs; Cornhusker Cleaning \$88.53 Smcs; Creative Teacher \$7.98 Smcs; Credit Management Service \$337.16 Ps; Crossroads

Ford \$103.87 Smcs; Cryotech \$7,948.59 Smcs; Cummins Central Power \$148.99 Smcs; D&S Lighting \$31.78 Smcs; Davis Equipment \$207.00 Smcs; Davis,S \$13.00 Smcs; Daylight Donut \$12.70 Smcs; Dell \$1,409.87 smcs,co; Diamond Vogel Paint \$42.66 Smcs; Discount Office Items \$349.45 Smcs; Disney Educational \$37.45 Smcs; Dmilaco Sports Fashions \$49.50 Smcs; Don Quinn Plbg \$76.58 Smcs; Duane Svec Adv \$354.09 Smcs; Dugan Business Forms \$674.05 Smcs; Dultmeier \$111.72 Smcs; DXPE \$20.93 Smcs; Eakes \$1,674.15 Smcs; Ecolab \$31.00 Smcs; E-Filliate \$69.90 Co; Eirich,T \$50.00 Smcs; Elliott Equipment \$176.97 Smcs; Emerson Network Power \$3,235.68 Smcs; Engineered Systems \$209.36 Smcs; Eppley Express \$150.00 Smcs; Fairbanks \$1,350.63 Smcs; Farmers Union Coop \$1,874.90 Smcs; Fast Mart \$28.86 Smcs; Fastenal \$435.34 Smcs; Fedex \$248.00 Smcs; Felsburg Holt & Ullevig \$6,750.00 Smcs; Fire Engineering \$76.00 Smcs; Franklin Miller \$1,099.00 Smcs; Frontier \$7,750.39 Smcs; Gale \$184.98 Smcs; Garrett Tires \$3,399.90 Smcs; Gas 'N Shop \$34.12 Smcs; GE Money Bank \$2,074.67 Smcs; Gear for Sports \$4,250.75 Smcs; General Traffic Controls \$400.00 Smcs; Gensler New York \$18,828.77 Smcs; Gloe,J \$31.47 Smcs; Gotomeetingcom \$468.00 Smcs; Governor's Ag Conf \$75.00 Smcs; Graham Tire \$515.34 Smcs; Grainger \$6,962.90 Smcs; Guideposts \$17.24 Smcs; Habitat for Humanity \$42.17 Smcs; HD Supply \$940.05 Smcs; Hebb,D \$31.00 Smcs; Hobby-Lobby \$7.98 Smcs; Holmes Plbg \$87.04 smcs,co; Hometown Leasing \$207.71 Smcs; Hoover's \$140.00 Smcs; Hotsy Equipment \$833.94 Smcs; Hydrite Chemical \$1,779.08 Smcs; IBT \$319.86 Smcs; ICMA RC \$4,708.91 Ps; Instawares \$344.16 Smcs; IRS \$102,154.25 Ps; Int'l Code Council \$70.00 Smcs; Int'l Law Enforcement \$45.00 Smcs; J&A Traffic Products \$183.00 Smcs; Jack Lederman \$1,052.77 Smcs; JJ Keller \$132.20 Smcs; Johnson Imperial \$10.70 Smcs; K&K Parts \$365.46 Smcs; Kansas Gang Investigators \$260.00 Smcs; Ky Centre Vac \$71.95 Smcs; Ky Cycling \$1,500.00 Co; Ky Hub \$2,896.63 Smcs; Ky Implement \$2,173.69 Smcs; Ky United Way \$690.50 Ps; Ky Warehouse \$1,778.35 Smcs; Ky Yamaha \$13.95 Smcs; Kelly Electric \$11,300.00 Smcs; King Investments \$35.00 Smcs; Kirkham Michael \$657.02 Co; Kmart \$7.48 Smcs; Koettters,J \$562.50 Smcs; Konica Minolta \$377.68 Smcs; Kuchera,F \$26.29 Smcs; Labsafe \$395.00 Co; Lawson Products \$404.42 Smcs; Lazlo's \$26.00 Smcs; Leadership Ky \$100.00 Smcs; Lieske Law Firm \$3,606.10 Smcs; Linweld \$582.07 Smcs; Location Technologies \$776.00 Smcs; Lockmobile \$30.00 Smcs; LVNV Funding \$235.74 Ps; Magic Cleaning \$700.00 Smcs; Mail Express \$490.98 Smcs; Marlatt Machine Shop \$3,982.07 smcs,co; Mason Motors \$1,890.00 Co; McCarty,D \$430.87 Smcs; McDermott & Miller \$21,910.00 Smcs; Menards \$2,849.00 smcs,co; Metlife \$6,415.85 Ps; Michael Todd \$1,634.84 Smcs; Midlands Contracting \$25,691.28 Co; Midwest Turf \$55.82 Smcs; Milco Environmental \$3,223.85 Smcs; Miller & Associates \$145,633.95 smcs,co; Miller,D \$23.77 Smcs; Moonlight Embroidery \$144.00 Smcs; Municipal Emergency \$61.73 Smcs; Myers,P \$548.00 Smcs; Napa \$1,553.67 Smcs; NCS Equipment \$99.90 Smcs; NDEQ-Fiscal Services \$7,500.00 Co; NE Cemetery Assn \$40.00 Smcs; NE Child Support \$2,875.35 Ps; NE Code Officials \$145.00 Smcs; NE Dept of Rev \$32,916.98 Ps; NE DOL/Office of Safety \$100.00 Smcs; NE Fire Administrative \$15.00 Smcs; NE Golf Assn \$774.13 Smcs; NE Law Enforcement \$90.00 Smcs; NE Library Assn \$20.00 Smcs; NE Machinery \$656.99 Smcs; NE Safety & Fire \$154.50 Smcs; NE State Library \$63.00 Smcs; NE Supreme Court \$63.00 Smcs; NE Trails Council \$100.00 Smcs; NE Truck Center \$187.39 Smcs; Neopost \$3,000.00 Smcs; Netmotion Wireless \$3,097.50 Smcs; Newegg \$401.14 smcs,co; Newman Signs \$548.75 Smcs; North Central Lab \$425.14 Smcs; Northwest Electric \$1,252.86 Smcs; Northwestern Energy \$8,305.46 Smcs; Novus \$31.50 Smcs;

NT Supply \$88.00 Smcs; NWAGA \$25.00 Smcs; Office Max \$1,983.29 smcs,co; Officenet \$635.40 Smcs; On Site Mobile Sharpening \$74.28 Smcs; O'Neill Wood Resources \$4,715.00 Smcs; O'Reilly Auto \$1,031.67 Smcs; Orscheln \$846.99 Smcs; Outdoor Recreation \$1,148.50 Smcs; Overhead Door \$476.50 Smcs; Paramount Linen \$15.00 Smcs; Pat's Plumbing \$1,125.00 Smcs; Paul Brokering \$97.00 Smcs; Payflex Systems \$1,352.50 smcs,ps; Peerless Machine \$180.00 Co; Pep Co \$51.10 Smcs; Perkins \$184.28 Smcs; Pittney Bowes \$2,166.00 Smcs; Platte Valley Glass \$853.00 Smcs; Presto-X \$142.80 Smcs; Protech Projection \$534.00 smcs,co; Provantage \$194.17 Smcs; Pulliam,R \$40.00 Smcs; PV Communications \$10.70 Smcs; Quick Return Tags \$20.60 Smcs; Quill \$135.78 Smcs; Radioshack \$201.95 smcs,co; Recognition Unlimited \$38.55 Smcs; Recorded Books \$594.91 Smcs; Redman Shoes \$186.98 Smcs; Restaurant Equippers \$1,174.19 Co; RKI Instruments \$507.94 Smcs; S&S Worldwide \$48.93 Co; Safety Kleen Systems \$302.83 Smcs; Sahling Kenworth \$41.56 Smcs; Sapp Brothers \$20,779.85 Smcs; Saxs Pizza \$251.56 Smcs; Scholastic Book Club \$41.00 Smcs; School District #7 \$1,964.45 Smcs; S-F Analytical Lab \$218.00 Smcs; Shopletcom \$53.47 Smcs; Show Me Cables \$100.23 Co; Showcases \$483.41 Smcs; Sign Center \$6,640.00 smcs,co; Sign Warehouse \$17.56 Smcs; Snow,T \$50.00 Smcs; Softchoice \$350.71 Co; Spelts-Schultz \$31.75 Smcs; Staples Print Solution \$310.33 Smcs; St of NE/AS Central \$5,421.32 smcs,co; Stott,D \$138.00 Smcs; Sun Development \$11.20 Smcs; Sun Life Financial \$38,566.89 Smcs; Sunmart \$20.77 Smcs; Sydow,J \$40.00 Smcs; Target \$537.39 Smcs; Technical Maintenance \$5,860.00 Smcs; Teledyne \$56.66 Smcs; Theis,G \$38.03 smcs,ps; Tigerdirect \$26.95 Co; Tirechaincom \$69.83 Smcs; Titan Machinery \$2,751.68 Smcs; Tractor-Supply \$661.11 Smcs; Trane Company \$269.00 Smcs; TRC Electronics \$97.74 Smcs; Tri City Outdoor Power \$1,193.93 Smcs; Tye & Rademacher \$11,138.23 Smcs; U.S. Toy \$37.95 Smcs; UPS Store \$9.71 Smcs; Urbanmonkey \$6.49 Co; USA Blue Book \$182.76 Smcs; USPS \$318.37 Smcs; Van Diest \$1,343.63 smcs,co; Verizon \$25.62 Smcs; Vessco \$7,962.00 Co; Village Uniform \$1,143.34 Smcs; Walmart \$1,216.83 smcs,co; Walsh,C \$53.68 Smcs; Watchguard Video \$120.00 Co; Wellness Works \$250.00 Ps; Wicks Sterling Trucks \$101.98 Smcs; Wilke Donovans \$154.46 Smcs; Williams Shuffleboard \$58.25 Co; Williams,M \$20.25 Smcs; Winslow,T \$40.00 Smcs; Wooden,T \$1,131.51 Smcs; Payroll Ending 1-30-2010 -- \$315,235.70. 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. Approve the "City of Kearney and County of Buffalo 56th Street and 11th Street Finance Agreement" setting forth the funding responsibilities for improving said streets and approve **Resolution No. 2010-24**.

### **RESOLUTION NO. 2010-24**

WHEREAS, the City of Kearney and the County of Buffalo will be entering into an interlocal agreement providing for the construction and payment of the City's share and the County's share of the costs associated with improving the following street projects:

- 56th Street from the end of the existing 48-foot wide concrete pavement east of Avenue Q to 500 feet west of the existing Cherry Avenue;
- 11th Street from Kea West Avenue to 30th Avenue; and

WHEREAS, the agreement entitled "City of Kearney and County of Buffalo; 56th Street and 11th Street Financing Agreement" sets forth the financial responsibilities of both entities.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the "City of Kearney and County of Buffalo; 56th Street and 11th Street Financing Agreement", a copy of the said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

4. Approve the application for a Special Designated Licenses submitted by SPORTS FANS, LLC, dba Fanatics in connection with their Class C-78257 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3808 Avenue N on March 6, 2010 from 4:00 p.m. until 1:00 a.m. for a dance/reception.

5. Approve the Development Agreement between the City of Kearney and Brown Properties for Lot 1, Knapp's Second Subdivision, Buffalo County, Nebraska and approve **Resolution No. 2010-25**.

**RESOLUTION NO. 2010-25**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Development Agreement on behalf of the City of Kearney with Brown Properties, LLC. A copy of the Development Agreement, marked as Exhibit "A", is attached hereto and made a part hereof be reference.

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

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Approve the Plans and Specifications for the construction of the South Parks Maintenance Facility located at E.K. and Mary Yanney Heritage Park and set the bid opening date for March 3, 2010 at 2:00 p.m.

8. Approve the Grassland Lease between the City of Kearney and Billy Dibbern for cattle grazing purposes on property located on the West Half of Section 23, Township 9 North, Range 16 West of the 6th P.M, Buffalo County, Nebraska and approve **Resolution No. 2010-27**.

**RESOLUTION NO. 2010-27**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Grassland Lease on behalf of the City of Kearney with Billy Dibbern. A copy of the Grassland Lease, marked as Exhibit "A", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

9. Approve the Interlocal Cooperative Agreement for High Resolution Orthophotos 2010 Project between the Central Platte Natural Resources District and the cities of Kearney, Grand Island, Central City, Lexington, Cozad, Gothenburg, North Platte, Hastings and the counties of Adams and Hamilton for aerial photography services and approve **Resolution No. 2010-28**.

**RESOLUTION NO. 2010-28**

WHEREAS, the City of Kearney has budgeted funds for the purpose of updating GIS aerial photography maps for the City of Kearney and the two-mile zoning jurisdiction of the City; and

WHEREAS, the City of Kearney has been invited to jointly acquire aerial photography and digital orthophotos with the Central Platte Natural Resources District and several other Nebraska political subdivisions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute the Interlocal Cooperative Agreement for High Resolution Orthophotos 2010 Project with Central Platte Natural Resources District and the cities of Kearney, Grand Island, Central City, Lexington, Cozad, Gothenburg, North Platte, Hastings and the counties of Adams and Hamilton for aerial photography services. A copy of the Agreement, marked as Exhibit "A", is attached hereto and made a part hereof.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

10. Approve the T-Hangar C-5 Lease Agreement between the City of Kearney and Dennis McGowan/Capital Holdings 149, LLC for storage at the Kearney Regional Airport and approve **Resolution No. 2010-29**.

**RESOLUTION NO. 2010-29**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar C-5 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Dennis

McGowan/Capital Holdings 149, LLC, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**11.** Approve T-Hangar C-4 Lease Agreement between the City of Kearney and Saadat Hosseini for storage at the Kearney Regional Airport and approve **Resolution No. 2010-30.**

**RESOLUTION NO. 2010-30**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar C-4 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Saadat Hosseini, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**12.** Approve the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Bryan Chase and Thom Schneider and approve **Resolution No. 2010-31.**

**RESOLUTION NO. 2010-31**

WHEREAS, Jerry Thompson, Chief of the Kearney Volunteer Fire Department, has forwarded several names of individuals desiring to serve as volunteers in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Thompson, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that those persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**13.** Approve the Professional Service Consultant Agreement between the City of Kearney and Miller & Associates in connection with the 2010 Part 1 Improvements consisting of the paving of 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street and approve **Resolution No. 2010-32.**

**RESOLUTION NO. 2010-32**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Professional Service Consultant Agreement between the City of Kearney and Miller & Associates for services rendered in connection with the 2010 Part 1 Improvements consisting of the paving of 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**14.** Approve the Plans and Specifications for the 2010 Part 1 Improvements consisting of the paving of 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street and set the bid opening date for March 15, 2010 at 2:00 p.m.

**15. POSTPONED** Approve the bids received for the construction of the 2009 Part 12 Improvements consisting of Water Connection District No. 2009-4 and Sanitary Sewer Connection District No. 2009-2 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, 30th Avenue between North Railroad Street and 11th Street, and 16th Street from 30th Avenue east to its terminus and consider Resolution No. 2010-33 awarding the bid to Midlands Contracting, Inc. in the amount of \$2,269,439.00.

**16.** Approve the request submitted by the Kearney Volunteer Fire Department to provide \$5,000.00 for a pedestal to honor local firefighters which is located in the Memorial Garden at the Nebraska Firefighters Museum and Education Center, 2434 East 1st Street.

**17.** Award the bid to G D Construction from Elm Creek, Nebraska in the amount of

\$12,420.00 for the placement of a concrete pad and adjacent sidewalk for a large piece of playground and equipment located at E.K. and Mary Yanney Heritage Park.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 7567 CREATING PAVING DISTRICT NO. 2010-938**

A Subdivision Agreement was approved by the City Council, the developer, and the School District on January 26, 2010. In accordance with the Agreement, the public improvements were to be created through improvement districts in Park View Estates Fifth Addition. Therefore, the next five ordinances pertain to Park View Estates Fifth Addition.

Council Member Lammers introduced Ordinance No. 7567, being Subsection 1 of Agenda Item V to create Paving Improvement District No. 2010-938 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7567 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7567 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7567 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. 7568 CREATING PAVING DISTRICT NO. 2010-939**

Council Member Lammers introduced Ordinance No. 7568, being Subsection 2 of Agenda Item V to create Paving Improvement District No. 2010-939 for 16th Avenue from 8th Street to 11th Street, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for

discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7568 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7568 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7568 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. 7569 CREATING PAVING DISTRICT NO. 2010-940**

Council Member Lammers introduced Ordinance No. 7569, being Subsection 3 of Agenda Item V to create Paving Improvement District No. 2010-940 for 15th Avenue from 8th Street to 11th Street, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7569 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7569 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7569 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. 7570 CREATING WATER DISTRICT NO. 2010-559**

Council Member Lammers introduced Ordinance No. 7570, being Subsection 4 of

Agenda Item V to create Water District No. 2010-559 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7570 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7570 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7570 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. 7571 CREATING SANITARY SEWER DISTRICT NO. 2010-499**

Council Member Lammers introduced Ordinance No. 7571, being Subsection 5 of Agenda Item V to create Sanitary Sewer District No. 2010-499 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7571 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7571 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7571 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

## **VI. REGULAR AGENDA**

### **ORDINANCE NO. 7572 REZONING EAST OF 9TH AVENUE BETWEEN 78TH ROAD AND NEBRASKA HIGHWAY 40 (PERTAINS TO PUBLIC HEARING 1)**

Council Member Buschkoetter introduced Ordinance No. 7572, being Subsection 1 of Agenda Item VI to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 9th Avenue between 78th Road and Nebraska Highway 40), 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 Clouse 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, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7572 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Kearney that Ordinance No. 7572 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7572 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **ANNEXATION OF STEINBRINK LANDSCAPING**

Mayor Clouse opened for discussion the Annexation Agreement submitted by Steinbrink Landscaping and Greenhouses with regard to annexing part of the East Half of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1930 and 2010 30th Avenue) and to consider Resolution No. 2010-34.

The City Attorney has been working with Rocky from Steinbrink Landscaping and Greenhouses who owns property adjacent to the Kearney city limits and located at 1930 and 2010 30th Avenue. It is the City's desire to annex this business into the City of Kearney. The Annexation Agreement indicates that Steinbrink Landscaping is in agreement with the City moving forward with annexation and confirm the City's obligations once annexation has been completed. The properties in question are currently served by City services or such services are available to the properties.

The issue of annexation will then be presented to the Planning Commission for its review on March 19. On March 23, 2010 the Council would then pass a resolution of intent indicating that it intends to move forward with the annexation of the specified property and scheduling the matter for a public hearing. A map of the area to be annexed, as well as notice of the public hearing, would be published for the public hearing to occur on April 13, 2010.

Moved by Kearney seconded by Lammers to approve the Annexation Agreement submitted by Steinbrink Landscaping and Greenhouses with regard to annexing part of the East Half of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1930 and 2010 30th Avenue) and approve **Resolution No. 2010-34**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

#### **RESOLUTION NO. 2010-34**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Annexation between the City of Kearney and Steinbrink Landscaping and Greenhouses for part of the East Half of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1930 and 2010 30th Avenue) be and is hereby accepted.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney for the annexation of the respective business.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

#### **CONSENT AGENDA SUBSECTION 6 – CONSULTANT AGREEMENT WITH HWS CONSULTING GROUP FOR TERMINAL PARKING LOT**

Mayor Clouse stated that this item and the next agenda item will be discussed together but voted on separately.

City Manager Michael Morgan made a presentation to the City Council on the Airport. Some of the highlights included:

- total enplanements from 1994 to the present

- Airport comparisons between Kearney, Grand Island, North Platte, Lincoln, Scottsbluff, McCook, Chadron, Garden City, Salina, Manhattan, Hays, Mason City, Sioux City, and Aberdeen
  - Annual budget from 2004 to 2010
  - Airport classes – Class I, Class II and Class III
  - Discussed benefits of becoming a Class II airport

Tom Henning member of the Air Transportation Committee, stated that he and Leonard Skov made a trip to Cheyenne, Wyoming two weeks ago to visit with Great Lakes and talk about some initiatives for this year. This could be a tough year getting to that 10,000 mark again. The first thing they heard was that Kearney needs to look at going to a category II airport, with the understanding that Great Lakes is the only 1900 carrier left. They probably have the closest relationship with Department of Transportation, the essential air service people. They believe there are going to be cuts in the Essential Air Service program. The airports that will be cut are not those based on enplanements, but those based on the level they are at. They think the level 3 airports will be the first to go. The next point Great Lakes made was to look on both sides of Kearney where there is a level 1 in Grand Island and level 2 in North Platte. Another point they made that was significant was regarding the number of flights that had been cancelled. He stated if Kearney were a level 2 airport, probably fifty percent of the flights that have been cancelled in the last 60 days would not have been cancelled. Kearney does not have a heated hangar which is fairly significant too, especially in the winter when the overnight planes are here. Those are three important points and he would certainly support where Kearney needs to go with the airport.

Mr. Henning believes the traffic at the Kearney airport for the past 7-8 years flights is fairly sustainable. The surprising thing is that 80 percent of our travelers are business travelers. A significant portion of those make flight arrangements a day or two before the flight, not a week or 30 days before the flight. An early morning flight schedule is important, but without a high degree of reliability it could be detrimental. If we are going to continue to build enplanements we need reliability. From an economic development standpoint, which has supported the numbers we have, we want to support the commerce and industry that utilize the airport and need to move to the next level.

Council member Lammers asked if there was a demand for charter flights. Mr. Henning thought there was a lot of opportunity for charter flights. One of the things that has been disappointing has been when the University brought in some teams and Kearney was not able to land those planes here. There were probably 300-500 enplanements that Kearney would have had to its credit if that were possible. One of the things in the future is that the 1900 passenger plane is going to be a thing of the past in 5-10 years. The Advisory Board has been lobbying very hard for that 30 passenger “Brasilia”. When Kearney had the Brazilians here, the enplanements shot up to the next level. He believed that if Kearney could negotiate today and it was one of the things that it intended to do to negotiate for that plane, it would be a real shot in the arm for enplanements. Even with the economy being a little lackluster, Kearney’s enplanements would increase. The next level would be an even larger plane than that. About all Kearney can accommodate right now is a 30-31 passenger plane. There are opportunities for some “out of the box thinking” to continue to grow the airport if they had more things to work with.

Consent Agenda Item 6 pertains to the Consultant Agreement between the City of Kearney and HWS Consulting Group for architect/engineering services for Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport subject to approval by the F.A.A. and Nebraska Department of Aeronautics and to consider Resolution No. 2010-26.

Airport Manager Jim Lynaugh stated the Kearney Capital Improvement Program and the Federal Aviation Administration's Airport Improvement Program both include projects to (1) resurface and expansion of the Terminal parking lot, (2) seal coat airline and general aviation apron, (3) reconstruction of pavement on Runway 18/36 and A, C Taxiway, and (4) extension of Runway 13/31, and F Taxiway.

The City solicited for Statements of Qualifications from airport consultants to provide architect/engineering services for preliminary design, bidding and construction phases including incidental special services for projects funded under FAA Airport Improvement Program. The City received Statements of Qualifications from HWS Consulting Group, Kirkham Michael, Leo A Daly, M.C. Schaff and Associates, and Olsson Associates. The Selection Committee conducted interviews and is recommending the firm of HWS Consulting Group.

HWS Consulting Group has provided consulting services at the Kearney Airport in the 1990s. Some of the projects they assisted the City with include design and bidding of the Airport's secondary Runway 31/13 and associated taxiways. In 1995 they did the research and updating of the Airport Master Plan and Airport Layout Plan.

In order to proceed with the resurface and expansion of the Terminal parking lot project, the Consultant Agreement with HWS Consulting Group needs to be executed so the design of the parking lot can proceed in a timely manner. The FAA will fund 95 percent of the project costs and the City of Kearney will be responsible for the remaining five percent of the project costs.

Moved by Lammers seconded by Lear to approve the Consultant Agreement between the City of Kearney and HWS Consulting Group for architect/engineering services for Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport subject to approval by the F.A.A. and Nebraska Department of Aeronautics and approve **Resolution No. 2010-26**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2010-26**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute the Consultant's Agreement with HWS Consulting Group for architect/engineering services for preliminary design, bidding and construction phases including incidental special services for the Terminal Parking Rehabilitation and Expansion Project at the Kearney Regional Airport being funded under the FAA Airport Improvement Program.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2010.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **PLANS FOR AIRPORT TERMINAL ADDITION AND RENOVATION**

Mayor Clouse opened for discussion the Plans and Specifications for the Kearney Regional Airport Terminal Addition and Renovation Project and set the bid opening date for March 4, 2010 at 2:00 p.m.

Scott Stober from Wilkins Hinrichs Stober Architects presented this matter to the Council. The current building is 40 years old and has been well used and needs some improvements. The building is approximately 5,000 square feet and the addition of 1,800 square feet comprised of an addition along the east side of the building and a small addition of a new entryway in the front.

This will allow for improved circulation within the building. Presently, traffic from flights coming and going were crossing in the terminal. The new layout will provide for ingress and egress out of the building. This will provide a check-in desk on the other side of the waiting area where people come in and go through the screening and then out to the planes. People coming in from the planes will enter and get their baggage and go out to the parking lot. With this project, there are a number of alternates that have been planned to be allowed if good bids come in and the City has the ability to do some things it would like to do and need to do that would be possible. The base bid is essentially the addition and fixing up of the interior of the building. The next step would be to make the rest of the existing exterior look like the new addition. The second alternate would be the new addition of the vestibule. The third alternate would be a larger drop canopy which would provide a little more protection from the elements. The fourth alternate would be re-roofing the existing building which is holding up, but will soon need to be replaced. It would not be good to do all this renovating and then have roof leaks. The fifth alternate would be a generator for emergency operation of the building. Depending on how the bids come in, they will add or take away from the project.

Mr. Stober stated that façade work would have to tie together with the paving project. There will need to be some reworking of the car access and the parking lot. There are some drainage problems along the front side of the building because it is very flat and all the water has to drain around the building and off over towards the runway. Hopefully, the parking lot work will take care of that problem and can also tie into the redesign of the front entrance. These two projects go hand in hand. The entrance will have a glass screen wall with new sliding doors that will open automatically.

City Manager stated there will be some leased space by the TSA in the terminal which will provide some revenue from the federal government. They are not currently in the terminal. They have reduced the sizes of a few of the other tenants, based on their actual needs including the car rental desk. The concerns in the past were the lack of waiting area, restrooms in the waiting area and not being able to access vending machines from the secure area. They currently have an unsecured waiting area and a secured waiting area. Both waiting rooms will have restroom services and vending

services available. The restrooms will also be renovated as they are in great need.

Moved by Lear seconded by Buschkoetter to approve the Plans and Specifications for the Kearney Regional Airport Terminal Addition and Renovation Project and set the bid opening date for March 4, 2010 at 2:00 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

**OPEN ACCOUNT CLAIMS: NPPD – \$275.96, PLATTE VALLEY STATE BANK - \$48,593.76**

Moved by Buschkoetter seconded by Kearney that Open Account Claims in the amount of \$48,593.76 payable to Platte Valley State Bank, and in the amount of \$275.96 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Kearney, Buschkoetter. Nay: None. Clouse and Lear abstained. Motion carried.

## **VII. REPORTS**

### **CLOSED SESSION**

Moved by Clouse seconded by Lear that Council adjourn into closed session at 8:17 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss real estate matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Clouse seconded by Buschkoetter that Council reconvene in regular session at 8:43 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

## **VIII. ADJOURN**

Moved by Kearney seconded by Lammers that Council adjourn at 8:43 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

**ATTEST:**

---

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

---

**MICHAELLE E. TREMBLY  
CITY CLERK**