

Kearney, Nebraska
May 11, 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 May 11, 2010, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant to the City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Lance Lang, City Planner were also present. Some of the citizens present in the audience included: Jeremiah Quintin, 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

Pastor Lew Champ from First Christian Church provided the Invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

ARCHWAY PAWNEE EARTHLODGE CDBG GRANT

Moved by Kearney seconded by Lammers to postpone until May 25, 2010 the public hearing concerning a tourism development application to the Department of Economic Development for Community Development Block Grant Funds for the Archway Pawnee Earthlodge project. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

AMENDMENT TO SECTION 46-114 OF THE CITY CODE

Mayor Clouse opened the public hearing on the proposed amendment to Section 46-114 "Supplemental Use Regulations: Temporary Uses" of Chapter 46 "Supplemental Use Regulations" of the Kearney City Code to clarify the regulations for cargo containers in commercial and industrial zones and to provide regulations for portable storage containers in residential zones. Planning Commission recommended approval of the code amendment subject to the following changes: (1) change language from "cargo containers longer than 20 feet" to "cargo containers longer than 16 feet"; (2) change language to "shall be permitted for a time not to exceed 90 days in a consecutive 12-month period" instead of "90 days in a calendar year"; (3) change language to "containers approved for a duration of 12 months or more may be required to be screened from view" instead of "shall be screened from view"; and (4) add language "All containers shall be clean and well maintained."

City Planner Lance Lang presented this matter to the Council. With the recent popularity of moveable storage containers, staff felt that the Code should be amended to address how these units will be regulated within the City jurisdiction. This item was continued at the Planning Commission level to give Staff time to meet with people that are operating this type of business in the community to seek their input.

The larger cargo containers twenty feet long or longer, such as the ones that were behind Wal-Mart, are addressed briefly in the Code in Chapter 46, "Supplemental Use Regulations", "Section 46-114, Temporary Uses." The proposed amendment strengthens the language dealing with cargo containers in commercial and industrial settings. Requests for the larger cargo containers in commercial settings must be submitted to the Development Review Team (DRT) for review of the location, quantity and desired time frame. In planned overlay districts, the request is forwarded to the Planning Commission and then to City Council as was the case with Wal-Mart. Cargo containers of this size are not allowed in residential zones as they exceed the proposed maximum allowable size for portable storage containers in neighborhoods.

The proposed Code amendment also provides new language in the same section to regulate smaller portable storage containers in residential zones. Storage containers in residential settings cannot exceed the dimensions of eight feet high, eight feet wide and sixteen feet long. They are not permitted on the public right-of-way and must be set back at least five feet from side or rear property lines. Property owners are allowed one container per calendar year for a period of time not to exceed 90 days. Additional time can be requested in writing. Applicants will communicate the proposed location

according to street address and the date the container is to be placed to the Development Services Department. No permits are required. Containers cannot be located on vacant lots. The amount of signage that is allowed on the exterior of the container is limited and cannot be used for advertising other than the company that owns and operates the container business. No sales can be conducted from a storage container.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and approve the proposed amendment to Section 46-114 "Supplemental Use Regulations: Temporary Uses" of Chapter 46 "Supplemental Use Regulations" of the Kearney City Code to clarify the regulations for cargo containers in commercial and industrial zones and to provide regulations for portable storage containers in residential zones. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

AMENDMENT TO SECTION 56-104 OF THE CITY CODE

Mayor Clouse opened the public hearing on the proposed amendment to Section 56-104 "Storm Water Management" of Chapter 56 "Public Improvements and Infrastructure" of the Kearney City Code to clarify the regulations pertaining to storm water management design and submittal requirements and to provide regulations for ongoing and perpetual maintenance responsibilities for storm water facilities. Planning Commission recommended approval.

City Planner Lance Lang presented this matter to the Council. For the past few months, at the direction of the Planning Commission, staff and the City Attorney have been researching maintenance alternatives for storm water management facilities and formulating a means for implementation of these requirements. Staff met with a group of developers, two Planning Commission members and the City Attorney on Wednesday, April 7, 2010 to review the proposal and seek input. A three part approach has been formulated that ties the maintenance responsibility directly to the land that benefits from the storm water facility. In this way, problems with Homeowners Associations are a moot issue, although the proposed amendments create incentive for owners associations to be formed. The individual lots within the subdivision may change ownership several times, but the requirement for storm water maintenance is tied to the lot, which then obligates the current owner of that lot. The three parts of this approach are as follows:

- Amendment to the Code, Chapter 56, "Public Improvements and Infrastructure," Section 56-104, "Storm Water Management." The proposed Code amendment provides supplemental language to better define design, submittal, and review components of storm water facilities and adds a paragraph on ongoing and perpetual maintenance. The term "maintenance" is defined. Each and every property owner in the subdivision shall collectively and proportionally be responsible for all costs associated with these facilities. The dollar amount of each owner's proportionate share is based on the amount of lot area in square feet that they own. A thirty day written notice is given by the City to each owner in cases where maintenance is due prior to the City performing the required maintenance and assessing the cost back to each owner.

- Supplemental language is proposed for subdivision agreements in which the owner agrees that the perpetual maintenance costs associated with the storm water facilities will be collectively and proportionally divided among all lots that benefit. Provisions for failure to maintain the facilities in accordance with the agreement are included. The City has the right to enter the property and perform the maintenance and to charge the cost of said maintenance to the owners of the lots at a rate of \$500.00 for a mobilization fee and \$100.00 per hour for the work completed. A reference to the Final Plat dedication page is included in the subdivision agreement.
- Supplemental language added to the “Dedication” paragraph on the final plat for the subdivision. Each lot that is obligated for maintenance will be listed here and the subdivision agreement will also be referenced.

In this manner a cross referencing approach is implemented whereby the Code requires it, the Subdivision Agreement lays out the responsibilities and penalties and references the Final Plat. The Final Plat repeats the description of the obligated parties and references back to the agreement.

All these items were discussed at the meeting with the developers. The language defining what the term “maintenance” means and the language that provides for 30 days notice are a result of the discussion during the meeting.

Council member Buschkoetter asked for clarification of who benefits from this storm water facilities. Mr. Lang stated that the City Code requires storm water management for all projects whether for industrial, commercial or residential. They each derive benefit from these facilities because they are required to provide that control of the storm water. In this way when the developer completes the process of developing the properties and walks away, there is an established method to spread that cost of maintenance among the people that are benefiting from the maintenance according to the Code. Most of the cells are not lakes, but there are some like Lighthouse Point that have water in them, but most are dry cells. The cost to the property owner is proportional to the size of the lot they own. They would not necessarily have to be right on the lake to benefit from the cell.

City Attorney Michael Tye stated this change in the Code does not replace existing homeowner’s association like Lighthouse Point. This is prospective and deals only with future development. City Planner stated when a developer comes in to create a subdivision; they can negotiate and work with the City within the Code. If there was a proposal by the developer that made sense to the City, they could have it written into the agreement.

City Manager Michael Morgan stated that many residential areas do not have a detention cell, so realistically this is not much of a change. In most areas there is a storm drainage system that was put in by the developer and is already taken care of in the assessment of the property. There will not be any future liability to those property owners. This is the exception being addressed rather than the norm. It is more likely to occur in a residential development than in a commercial or industrial setting. When there are challenges in respect to maintenance, the tax payers at large are being held responsible, while the developer benefited from setting the site in such a way to benefit from the detention. The key is to make sure those property buyers are aware from the

very beginning of what the expectations are. The developer could choose to do it differently, but the detention cell is a much cheaper option for the property owner. That homeowner would pay more for a lot by opting for in-ground storage or infrastructure so therefore they are deriving a benefit from the detention cell.

City Planner stated in the situation of Wal-Mart, they know they are responsible for maintenance, but it gets more complicated when there are multiple owners. This amendment is set up to identify all those other owners in three different ways so that it is cross referenced. Good Sam has their storage under their parking lot which requires a lot of maintenance because the pipes have to be cleaned out. Through engineering solutions and working through the City's process with the developer at the outset, it will be clear how they are going to approach the detention requirement with the subdivision and the maintenance responsibilities.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and approve the proposed amendment to Section 56-104 "Storm Water Management" of Chapter 56 "Public Improvements and Infrastructure" of the Kearney City Code to clarify the regulations pertaining to storm water management design and submittal requirements and to provide regulations for ongoing and perpetual maintenance responsibilities for storm water facilities. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

PROPOSED ACQUISITION OF A PERMANENT UTILITY EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition granted by RHOJCOAMT Partnership Ltd. for a Permanent Utility Easement for a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (30th Avenue between 11th Street and 16th Street) and to consider Resolution No. 2010-92.

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.

Due to the construction taking place on 30th Avenue between 11th Street and 16th Street in southwest Kearney, the Utilities Department was approached by Frontier Communications about acquiring a Utility Easement that could be used for various utilities needing to relocate from 30th Avenue. In this way each company, gas, cable etc. would not have to acquire a separate easement but could co-locate in a common easement. David Oldfather represents RHOJCOAMT Partnership, the owner of the property, has once again generously donated the easement in the public interest.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and approve the proposed acquisition granted by RHOJCOAMT Partnership Ltd. for a Permanent Utility

Easement for a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (30th Avenue between 11th Street and 16th Street) and approve **Resolution No. 2010-92**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2010-92

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

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

WHEREAS, RHOJCOAMT Partnership, Ltd., a Texas Limited Partnership, has granted to the City of Kearney, Nebraska a Permanent Utility Easement for a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, being more particularly described as follows: A tract of land being 10.0 feet in width and abutting the eastside of a 50 foot gas right-of-way easement to Kinder Morgan Interstate Gas Transmission LLC, as described in Inst. 2004-5389 and filed in the office of the Buffalo County Register of Deeds on the 9 day of June, 2004 and described as follows: Referring to the southwest corner of the Southwest Quarter of said Section 3, and assuming the south line of said Southwest Quarter as bearing S 89°29' E and all bearings contained herein are relative thereto; thence S 89°29' E on said south line a distance of 105.0 feet; thence N 02 48' 58" E a distance of 33.0 feet to a point on the north right-of-way line of a county road and the Point of Beginning, said Point of Beginning being on the east line of the existing gas line easement; thence continuing N 02°48'58" E on said east line a distance of 915.5 feet to a point on the south right-of-way line of 16th Street (a street located in the City of Kearney, Buffalo County, Nebraska and as platted in the "Buckle Second Addition" to the City of Kearney); thence easterly on said south line a distance of 10.0 feet; thence S 02 48" 58" W a distance of 915.5 feet to a point on the north line of said county road, said point being 33.0 feet north of the south line of the Southwest Quarter; thence westerly on said north line a distance of 10.0 feet to the Point of Beginning, containing 0.21 Acres more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Utility Easement granted by RHOJCOAMT Partnership, Ltd., a Texas Limited Partnership, to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated that with regard to Subsection 5, Trends has paid the delinquent assessments and have been removed from proceeding forward with that property.

Moved by Clouse seconded by Kearney 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 April 27, 2010.

2. Approve the following Claims:

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

Accucut \$200.00 smcs; Ace Eaton Medals \$127.50 smcs,co; Ace Hardware \$43.50 smcs; Advance Auto Parts \$11.65 smcs; Aflac \$2,871.62 ps; Airgas North Central \$127.99 smcs; Al-Jon Mfg \$18.04 smcs; Allied Electronics \$711.37 smcs; Amazon \$390.11 smcs,co; Amer Electric \$2,546.81 smcs,co; Amer Fence \$40.15 smcs; AMI Graphics \$216.75 smcs; Andersen Wrecking \$35.00 smcs; Anderson Bros Electric \$29,619.90 co; Ask Supply \$567.50 smcs; Baker & Taylor \$6,067.23 smcs; Barney Abstract \$600.00 smcs; Batterymartcom \$49.49 smcs; BBC Audiobooks \$143.98 smcs; Bennett,T \$888.00 smcs; Bentley,D \$448.00 co; Bill's Trailer Sales \$100.00 smcs; Blockbuster Video \$130.00 smcs; Bluecross Blueshield \$100,989.74 smcs; Bobs Super Store \$3.40 smcs; Brilliance Audio \$74.74 smcs; Buckle \$210.00 smcs; Buffalo Co Treasurer \$1,788.00 co; Buffalo Outdoor Power \$32.26 smcs; Buggy Bath Car Wash \$9.00 smcs; Builders \$2,799.51 smcs,co; Business Office Systems \$156.96 smcs; Carquest \$1,655.75 smcs; Case Space \$21.35 smcs; Caseys \$29.01 smcs; Cash Wa \$554.90 smcs; CDW Government \$196.49 smcs; Center for Education \$159.00 smcs; Central District Health Dept \$2,711.50 smcs; Central Fire \$27.00 smcs; Central Hydraulic System \$9,127.65 smcs,co; Central NE Bobcat \$309.17 smcs; Central Restaurant \$240.63 co; Central Seniors Golf Assn \$62.00 smcs; Charter \$849.90 smcs; Circuit Breaker Service \$722.87 smcs; City of Ky \$307,490.13 smcs,ps; Cob Industries \$138.64 smcs; College Savings Plan of NE \$190.00 ps; Colorado Parks \$52.00 smcs; Compass \$2,999.00 smcs; Construction Rental \$805.97 smcs; Copycat Printing \$742.09 smcs; Crossroads Ford \$278.84 smcs; CRVS Store \$25.18 smcs; Culligan \$140.14 smcs; Dandee Concrete \$1,800.00 co; Dell \$21,086.38 smcs,co; Diamond Vogel Paint \$205.00 smcs; Disc Unlimited \$116.50 smcs; Dish Network \$50.63 smcs; Displays 2 Go \$121.63 smcs; Divotech Golf \$545.01 smcs; DPC Industries \$18,294.56 smcs; Drillspotcom \$213.64 smcs; Dutton-Lainson \$1,299.79 smcs,co; DXPE \$213.09 smcs; E&S Tools \$235.80 smcs; Eakes \$3,164.74 smcs,co; Ecolab \$31.00 smcs; E-Filliate \$35.45 co; Eirich,T \$50.00 smcs; Elliot Equipment \$7,741.03 smcs; Embassy Suites \$133.29 smcs; Engineered Systems \$265.68 smcs; ESRI \$6,300.00 co; Express Parcs \$6.00 smcs; Fairbanks \$1,166.04 smcs; Fastenal \$1,422.95 smcs; Florida Micro \$337.50 smcs; Foster Lumber \$1,386.84 co; Franzen,S \$150.00 ps; Frontier \$8,327.34 smcs; Gale \$340.77 smcs; Gamma Sports \$191.77 smcs; Garrett Tires & Treads

\$1,427.75 smcs; Gaylord Opryland \$576.41 smcs; Godaddycom \$95.76 smcs; Gough,P \$390.00 smcs; Grainger \$3,309.72 smcs,co; Great Lakes \$50.00 smcs; Grey House Publishing \$206.05 smcs; GW Brown Co \$125.00 smcs; H&H Distributing \$1,250.61 smcs; Hach Co \$181.15 smcs; Harrison,R \$35.00 smcs; HD Supply \$387.42 smcs; Hitech \$276.00 smcs; Hobby-Lobby \$97.26 smcs; Holmes Plumbing \$344.95 smcs; Hometown Leasing \$444.91 smcs,co; HP Home Store \$68.46 smcs; Hydrite Chemical \$3,442.04 smcs; Hydronic Energy \$188.21 smcs; ICMA RC \$4,582.69 ps; Industrial Fabrics \$1,416.70 smcs; Insite Instrumentation \$200.00 smcs; IRS \$104,999.27 ps; Int'l Code Council \$92.00 smcs; Investment Property \$375.00 smcs; J Davis Marking \$1,047.75 smcs; Jack Lederman \$122.37 smcs; Jameson Powerwashing \$2,520.00 co; Jim Morgans Books \$63.85 smcs; K&K Parts \$159.71 smcs; Ky Hub \$1,017.10 smcs; Ky Humane Society \$6,500.00 smcs; Ky Implement \$2,397.60 smcs,co; Ky Towing \$65.00 smcs; Ky United Way \$955.75 ps; Ky Warehouse \$152.02 smcs; Ky Winlectric \$300.84 co; Ky Winnelson \$497.26 smcs; Killion Motors \$107.86 smcs; Kindle-Denver Post \$5.99 smcs; Kindle-Wall Street \$14.99 smcs; Kmart \$8.65 smcs; Konica Minolta \$249.26 smcs; Lafferty,J \$57.80 smcs; Lawson Products \$666.20 smcs; Lazlo's Brewery \$20.17 smcs; LCL Truck Equipment \$198.37 smcs; Leva \$55.00 smcs; Lifeguard Store \$1,604.00 co; Lincoln Truck Center \$74.50 smcs; Lindner,S \$38.89 smcs; Linweld \$1,394.69 smcs; Love's Country \$17.28 smcs; LVNV Funding \$235.74 ps; Mac Tools \$79.99 smcs; Mad Science of Iowa \$370.00 smcs; Magic Cleaning \$1,050.00 smcs; Mail Express \$260.68 smcs; Marketing Displays \$274.91 smcs; Marlatt Machine Shop \$1,572.90 smcs; Marriott \$833.20 smcs; Menards \$3,607.53 smcs,co; Metlife \$9,235.62 ps; Mid-Iowa Solid Waste \$230.72 smcs; Midlands Contracting \$309,476.94 co; Midway Chevrolet \$70.40 smcs; Midwest Turf \$893.89 smcs; Milco Environmental \$1,936.60 smcs; Miller & Associates \$28,870.60 smcs,co; Miller Signs \$50.00 smcs; Milliman \$1,800.00 smcs; Miracle Recreation \$521.00 smcs; Morris Press \$558.80 smcs; Motion Industries \$49.26 smcs; Municipal Emergency \$321.79 smcs; Municipal Supply \$729.36 smcs; Murphy Tractor Equipment \$433.14 smcs; Napa All Makes \$2,499.27 smcs; NCS Equipment \$347.31 smcs; NE Business Banking \$16,067.49 ds; NE Child Support \$2,794.89 ps; NE Dept of Revenue \$47,766.60 ps; NE Equipment \$25.51 smcs; NE Environmental Products \$4,967.02 smcs; NE Section PGA \$80.00 smcs; NE Truck Center \$166.11 smcs; NEland Distributors \$639.40 smcs; Neopost \$7,613.24 smcs; Netknacks Tennis \$23.00 smcs; Nevco \$659.58 smcs; Newegg \$1,493.18 smcs,co; Newman Signs \$50.43 smcs; NMC \$105.19 smcs; Northern Electric \$37.06 smcs; Northern Tool \$390.57 smcs; Northwestern Energy \$5,186.08 smcs; NSVFA \$400.00 smcs; Office Max \$624.97 smcs,co; Officenet \$329.00 smcs; Omaha Pneumatic \$79.15 smcs; O'Reilly Auto \$1,073.89 smcs; Orscheln \$324.34 smcs; Oseka,M \$100.00 smcs; Oshkosh \$150.82 smcs; Otto Environmental Systems \$11,018.25 smcs; Paramount Linen \$91.98 smcs; Party America \$26.25 smcs; Payflex Systems \$535.50 smcs,ps; Pitney Bowes \$45.00 smcs; Platte Valley Comm \$455.62 smcs; Play the West \$1,200.00 smcs; PLI-Jan Adamec \$20.00 co; Polk City Directories \$325.00 smcs; Presto-X \$204.75 smcs; Provantage \$266.03 co; Pulliam,R \$40.00 smcs; QA Balance Services \$95.00 smcs; Quick Return Tags \$27.30 smcs; Quill \$662.17 smcs; Radioshack \$9.28 smcs; Rainbow Book \$4,249.84 smcs; Random House \$131.95 smcs; Reams \$259.50 smcs; Reata Petroleum \$29.50 smcs; Recognition Unltd \$76.65 smcs; Recorded Books \$460.52 smcs; Republican Valley Library \$15.00 smcs; Roper Radiator \$65.00 smcs; RT Corporation \$403.50 smcs; SA Foster Lumber \$5.10 smcs; Sage,P \$61.31 smcs; Sahling Kenworth \$1,469.75 smcs; Salina Blueprint \$828.36 smcs,co; Sandhill Plastics

\$85.23 smcs; Sanitation Products \$1,527.75 smcs; Sapp Bros \$30,816.98 smcs; Scholastic Book Club \$71.00 smcs; S-F Lab \$198.00 smcs; Sherwin Williams \$88.82 smcs; Shoemaker 66 \$60.16 smcs; Sign Center \$45.00 smcs; Sixel Consulting \$1,200.00 smcs; Snap-on Tools \$50.95 smcs; Snow,T \$50.00 smcs; Solid Waste Agency \$47,248.94 smcs; Solid Waste Equipment \$7,521.69 smcs; Southland Electrical \$2,331.28 smcs; Sport Supply Group \$4,585.25 smcs,co; St of NE/AS Central \$4,051.96 smcs,co; Sterling West \$2,457.00 smcs; Steve Spangler \$242.03 smcs; Stickercom \$70.62 smcs; Story,G \$90.00 smcs; Sun Life Financial \$38,466.87 smcs; Sunmart \$21.63 smcs; Super Shine Auto \$57.96 smcs; Sydow,J \$40.00 smcs; Theis,J \$60.00 smcs; Tinch Ford Mercury \$98,192.00 co; Tool Doctor \$63.00 smcs; Tool King \$328.19 smcs; Tractor-Supply \$1,208.15 smcs; Trade Well Pallet \$1,700.00 smcs; Traffix Devices \$3,276.45 smcs; Trane \$1,747.51 smcs; Trans Iowa Equipment \$166.93 smcs; Troy Eilenstine Drywall \$1,900.00 co; TruGreen Chem Lawn \$190.00 smcs; Tye & Rademacher \$12,482.14 smcs; Ultra Chem \$446.30 smcs; UPS Stores \$61.61 smcs; US Builder Supply \$1,822.67 co; USA Blue Book \$255.38 smcs; USPS \$450.06 smcs; Vacha,C \$215.00 smcs; Van Diest Supply \$10,175.83 smcs; Verizon Wireless \$1,130.44 smcs; Village Uniform \$284.95 smcs; Wagner,C \$39.02 smcs; Wal-Mart \$1,389.12 smcs; Ward Labs \$304.80 smcs; Wellness Works of Ky \$111.00 ps; Wells Fargo Equipment \$66,937.77 ds; Wilke Donovans \$178.63 smcs,co; Youngs \$59.06 smcs; Payroll Ending 4-24-2010 -- \$321,755.17. 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 application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 29, 2010 from 5:00 p.m. until 1:00 a.m. for a reception.

4. Approve **Resolution No. 2010-93** allowing the City to expend funds on the 2010 Part 2 Improvements consisting of 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; Paving Improvement District No. 2010-939 for 16th Avenue from 8th Street to 11th Street; Paving Improvement District No. 2010-940 for 15th Avenue from 8th Street to 11th Street; 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 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 from the proceeds of various debt issuances.

RESOLUTION NO. 2010-93

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse

certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

2010 Part 2 Improvements – Paving/Stormwater	\$800,000.00
2010 Part 2 Improvements – Water/Sewer	\$600,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$1,400,000.00.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

5. Approve **Resolution No. 2010-94** declaring all future special assessments of the following districts and tracts of land delinquent:

- Mark Jacobsen and Deborah Jacobsen (Paving District No. 99-815) – Lot 125 and the east half of the vacated alley abutting said lot on the west, and the west 17 feet of Avenue B abutting said lot on the east, South Kearney Addition to the City of Kearney, Buffalo County, Nebraska TOGETHER WITH the south half of vacated 10th Street abutting the above land on the north.
- Marlo Johnson and Jennifer Johnson (Paving District No. 2000-822) – The west 250 feet of Tax Lot 12 in Government Lot 8 in Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north line of Talmadge Street.
- Illride Enterprises, LLC (Paving District No. 2003-872) – Lot 539, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska.
- Illride Enterprises, LLC (Paving District No. 2003-872) – The south 20 feet of Lot 540, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2010-94

WHEREAS, certain Water Districts, Sewer Districts and Paving Districts have been properly created within the City of Kearney, Nebraska, by order of the City Council; and

WHEREAS, the City Council has, in a legal and proper manner, levied assessments according to benefits against the respective properties lying within said districts; and

WHEREAS, the below-listed owners of said property have failed to make timely payment of said special assessments and allowed the assessments to become delinquent and unpaid for a total of three (3) or more installments.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President and City Council, in accordance with Neb. Rev. Stat. §16-622 and §16-669, do hereby declare all future installments on the following delinquent properties, all located in the City of Kearney, Buffalo County, Nebraska, to be

due on June 11, 2010; that after June 11, 2010, such future installment(s) shall be deemed to be delinquent and interest shall accrue at a rate of fourteen percent (14%) on all delinquent sums after that date:

Record Title and Property Owner	Delinquent Principal Due	Interest to 6/11/2010	Delinquent Total Due as of 6/11/2010	Additional Principal Due on or After 6/11/2010
<u>Mark Jacobsen and Deborah Jacobsen</u> Lot 125 and the east half of the vacated alley abutting said lot on the west, and the west 17 feet of Avenue B abutting said lot on the east, South Kearney Addition to the City of Kearney, Buffalo County, Nebraska TOGETHER WITH the south half of vacated 10th Street abutting the above land on the north <i>Paving District No. 99-815</i>	\$1,050.08	\$925.76	\$1,975.84	\$0.00
<u>Marlo Johnson and Jennifer Johnson</u> The west 250 feet of Tax Lot 12 in Government Lot 8 in Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north line of Talmadge Street <i>Paving District No. 2000-822</i>	\$24,548.88	\$17,379.76	\$41,928.64	\$6,137.16
<u>Illride Enterprises, LLC</u> Lot 539, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska <i>Paving District No. 2003-872</i>	\$310.86	\$81.14	\$392.00	\$725.28
<u>Illride Enterprises, LLC</u> The south 20 feet of Lot 540, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska <i>Paving District No. 2003-872</i>	\$90.78	\$23.68	\$114.46	\$211.77

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

6. Accept the Certificate of Substantial submitted by Skeen Construction and approved by Miller & Associates for the One-Million Gallon Reservoir Demolition Project located at Memorial Field and approve **Resolution No. 2010-95**.

RESOLUTION NO. 2010-95

WHEREAS, Skeen Construction of Kearney, Nebraska has performed services in connection with the One-Million Gallon Reservoir Demolition Project located at Memorial Field, and the City's engineer, Miller & Associates, have filed with the City Clerk the

Certificate of Substantial Completion as shown on Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that the Certificate of Substantial Completion, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the application for deferral of special assessments submitted by the Kearney Regional Medical Center, LLC in connection with Paving Improvement District No. 2001-865 for Kea West Avenue from 11th Street south for property described as 41.77 acres which lies south of Western Nebraska Property Development Addition and north of the North Channel of the Platte River.

8. Approve the recommendation from Mayor Clouse to appoint Jonathan Bokenkamp to fulfill the term vacated by Michael Bruce on the Downtown Improvement Board and approve **Resolution No. 2010-96**.

RESOLUTION NO. 2010-96

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, Michael Bruce has tendered his resignation on the Downtown Improvement Board and the said term needs to be filled; and

WHEREAS, the City advertised and accepted Expression of Interest forms for persons interested in serving on all City advisory boards.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Jonathan Bokenkamp be and is hereby appointed to fulfill the term vacated by Michael Bruce on the Downtown Improvement Board, which term will expire in July of 2012.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the application to extend Conditional Use Permit No. 1986-04 submitted by Art Pierce to locate a calligraphy studio at 2202 Avenue B, Unit 3 for a period of two years.

10. Approve the Plans and Specifications for the 2010 Part 3 Improvements consisting of Paving Improvement District No. 2010-941 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to the east lot line of Lot B, Interstate

Subdivision; Water District No. 2010-560 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east a distance of 118.52± feet; Sanitary Sewer District No. 2010-500 for Talmadge Street from the west lot line of Lot 1, Interstate Fifth Addition east to a point that is 14.13± feet west of the northeast corner of said Lot 1, Interstate Fifth Addition and set the bid opening date for June 1, 2010 at 2:00 p.m.

11. Approve the Agreement between the City of Kearney and the Nebraska Department of Roads for Project No. URB-30-4(156) to rebuild the traffic signal at the intersection of U.S. Highway 30 (25th Street) at 5th Avenue and approve **Resolution No. 2010-97.**

RESOLUTION NO. 2010-97

WHEREAS, City of Kearney, Nebraska and Nebraska Department of Roads (NDOR) wish to enter into an Agreement for State Project No. URB-30-4(156) to rebuild the traffic signal at the intersection of US-30 (25th Street) at 5th Avenue for the purpose of accommodating an orderly flow of traffic.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Stanley A. Clouse, Mayor of the City of Kearney, Nebraska is hereby authorized and directed to execute the attached Agreement between City of Kearney, Nebraska and the NDOR for Project No. URB-30-4(156) to rebuild the traffic signal at the intersection of US-30 (25th Street) at 5th Avenue for the purpose of accommodating an orderly flow of traffic.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the Consulting Engineering Agreement between the City of Kearney and Olsson & Associates with regard to the 39th Street from Pony Express Road to Avenue M Project – Federal Aid Project No. URB-5922(3) and approve **Resolution No. 2010-98.**

RESOLUTION NO. 2010-98

WHEREAS, the Nebraska Department of Roads opened bids for Federal Aid Project URB-5922(3) for the removal and reconstructions of 39th Street from Pony Express Road to Avenue M; and

WHEREAS, Paulsen Inc. from Cozad, Nebraska was awarded the bid in the amount of \$2,032,153.65 for said project; and

WHEREAS, as a requirement of the American Recovery and Reinvestment Act, the City must select and enter into a contract with a Consulting Engineering firm approved by the Nebraska Department of Roads; and

WHEREAS, after complying with all requirements, the City of Kearney has selected Olsson & Associates of Lincoln, Nebraska as the preferred Consulting Engineering firm.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for consulting engineering services between the City of Kearney and Olsson & Associates be and is hereby approved. A copy of said

Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for management and supervision services under a Community Development Block Grant Community Revitalization; Grant No. 09-CR-104 and approve **Resolution No. 2010-99.**

RESOLUTION NO. 2010-99

WHEREAS, the City of Kearney was awarded \$171,428 for a Community Development Block Grant from the Nebraska Department of Economic Development as part of the Community Revitalization Program; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for a Project Administrator for management and supervision services under a Community Development Block Grant Community Revitalization; Grant No. 09-CR-104; and

WHEREAS, City staff received proposals and recommends pursuing a contract with Miller & Associates of Kearney to provide management and supervision services.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for management and supervision services under a Community Development Block Grant Community Revitalization; Grant No. 09-CR-104 as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for management and supervision services under an Economic Development Assistance Program; Grant No. 05-01-04933 and approve **Resolution No. 2010-100.**

RESOLUTION NO. 2010-100

WHEREAS, the City of Kearney was awarded \$1.5 million for an Economic Development Administration Grant to pay for a portion of The Buckle project; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for a Project Administrator for management and supervision services under an Economic Development Assistance Program; Grant No. 05-01-04933; and

WHEREAS, City staff received proposals and recommends pursuing a contract with Miller & Associates of Kearney to provide management and supervision services.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for management and supervision services under an Economic Development Assistance Program; Grant No. 05-01-04933 as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2010.

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

ORDINANCE NO. 7594 – AMEND SECTION 46-114 OF THE CITY CODE (PERTAINS TO PUBLIC HEARING 2)

Council Member Kearney introduced Ordinance No. 7594, being Subsection 1 of Agenda Item VI to amend Section 46-114 "Supplemental Use Regulations: Temporary Uses" of Chapter 46 "Supplemental Use Regulations" of the Kearney City Code to clarify the regulations for cargo containers in commercial and industrial zones and to provide regulations for portable storage containers in residential zones, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, 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. 7594 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 Lammers seconded by Lear that Ordinance No. 7594 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. 7594 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. 7595 – AMEND SECTION 56-104 OF THE CITY CODE (PERTAINS TO PUBLIC HEARING 3)

Council Member Lear introduced Ordinance No. 7595, being Subsection 2 of Agenda Item VI to amend Section 56-104 “Storm Water Management” of Chapter 56 “Public Improvements and Infrastructure” of the Kearney City Code to clarify the regulations pertaining to storm water management design and submittal requirements and to provide regulations for ongoing and perpetual maintenance responsibilities for storm water facilities, 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 Buschkoetter 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. 7595 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 Buschkoetter seconded by Clouse that Ordinance No. 7595 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. 7595 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. 7589 – ANNEXATION OF STEINBRINK LANDSCAPING, 1930 AND 2010 30TH AVENUE

Council Member Clouse moved that Ordinance No. 7589 annexing the following tract of land to be included within the corporate limits: 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 described as: bound by a line beginning at a point on the east line of Section 4, which is 1320 feet south of the northeast corner of said Section 4, running thence west parallel with the north line of said Section a distance of 660 feet; thence south parallel with the east line

of said Section to the north line of the right-of-way of the Union Pacific Railroad Company; thence in an easterly direction along the north line of said right-of-way to the intersection with the east line of said Section 4; thence north along said east line to the place of beginning. Subject to public road right-of-way as recorded in the Road Record Books as filed in the Buffalo County Surveyor's Office, except a tract of land deeded to the City of Kearney by Warranty Deed recorded June 23, 1999 as Inst. 1999-5083 (1930 and 2010 30th Avenue) be placed on third and final reading. Council Member Kearney seconded the motion to place on third and final reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. City Clerk read Ordinance No. 7589 by title on third and final reading.

Moved by Kearney seconded by Lammers that Ordinance No. 7589 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. 7589 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

OPEN ACCOUNT CLAIMS: NPPD - \$52,348.81, PLATTE VALLEY STATE BANK - \$48,363.01, SCHOOL DISTRICT #7 - \$10,235.40

Moved by Lammers seconded by Buschkoetter that Open Account Claims in the amount of \$48,363.01 payable to Platte Valley State Bank, and in the amount of \$52,348.81 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.

Moved by Lear seconded by Clouse that Open Account Claims in the amount of \$10,235.40 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Kearney, Lear. Nay: None. Buschkoetter and Lammers abstained. Motion carried.

VII. REPORTS

CLOSED SESSION

Moved by Buschkoetter seconded by Clouse that Council adjourn into closed session at 7:22 p.m. for the protection of the public interest to discuss real estates 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 Kearney that Council reconvene in regular session at 7:56 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Buschkoetter seconded by Kearney that Council adjourn at 7:56 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**