

*Kearney, Nebraska
June 22, 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 June 22, 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; Suzanne Brodine, Assistant to the City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Greg Urbanek, Colin Wilke, Derek Luke, Rick Garcia, Derek Peyton, 6 police officers, Paul Younes, Jon Abegglen, Bruce Lefler, 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

With the absence of a representative from the Kearney Ministerial Association, the Council held a moment of silent prayer.

PLEDGE OF ALLEGIANCE

The Council members led the 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.

OATH OF OFFICE; POLICE OFFICER JARED SMALL

City Clerk Michaelle Trembly administered the Oath of Office to Police Officer Jared Small.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT PLAN APPROVAL FOR 5804 WEST 2ND AVENUE

Mayor Clouse stated the applicant has postponed until July 13, 2010 the public hearing on the Application submitted by Chad Micek (Applicant) for Pat Winters (Owner) for Planned District Development Plan Approval for the construction of an office building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the north 125 feet of Lot 6 of Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom all that part of the north 125 feet of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the office of the Buffalo County Register of Deeds (5804 West 2nd Avenue).

Moved by Kearney seconded by Lammers to postpone until July 13, 2010 the Application submitted by Chad Micek (Applicant) for Pat Winters (Owner) for Planned District Development Plan Approval for the construction of an office building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the north 125 feet of Lot 6 of Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, excepting therefrom all that part of the north 125 feet of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the office of the Buffalo County Register of Deeds (5804 West 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

PROPOSED ACQUISITION FOR SANITARY SEWER MAIN EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent and Temporary Sanitary Sewer Main Easement on 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 and to consider Resolution No. 2010-119.

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.

In late April 2010 the Utilities Department made a decision to change the route of the sanitary sewer main being built along the north side of 11th Street near 30th Avenue. Rather than turning the sanitary sewer south onto the centerline of 11th Street before

continuing west to the intersection of 30th Avenue, as originally planned, the sanitary sewer main will continue westward in the easement we are acquiring to connect to the sanitary sewer main constructed in 30th Avenue. The decision to change the sanitary sewer route was made after it was determined that the sanitary sewer main could be constructed under the natural gas valving equipment located on the northeast corner of 11th Street and 30th Avenue.

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 Lammers seconded by Lear to close the hearing and approve the proposed acquisition for a Permanent and Temporary Sanitary Sewer Main Easement on 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 and approve **Resolution No. 2010-119**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2010-119

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 a temporary and permanent sanitary sewer main easement and voted in favor to proceed with the acquisition; and

WHEREAS, RHOJCOAMT Partnership, Ltd. has granted to the City of Kearney, Nebraska a Temporary and Permanent Sanitary Sewer Main Easement for the following tracts of land:

TEMPORARY SANITARY SEWER MAIN EASEMENT

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: Beginning at the southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 3 and assuming the south line of said Southwest Quarter of the Southwest Quarter as bearing S89°27'04"E and all bearings herein are relative thereto; thence S89°27'04"E on said south line a distance of 200.0 feet; thence N00°32'56"E perpendicular to said south line of the Southwest Quarter of the Southwest Quarter a distance of 75.0 feet to the Point of Beginning, said point being 42.0 feet north of the north right-of-way line of 11th Street (a street in the City of Kearney, Buffalo County, Nebraska); thence continuing N00°32'56"E a distance of 20.0 feet; thence N89°27'04"W and parallel with the south line of said Southwest Quarter of the Southwest Quarter a distance of 88.98 feet to a point of intersection on the east line of a tract of land deeded to the City of Kearney for road right-of-way; thence southeasterly on a 193.0 foot radius non-tangent curve concave southwesterly forming a central angle of 08°58'26", and having an arc distance of 30.24 feet, said point bearing S48°00'03"E a chord distance of 30.21 feet from the said point of intersection; thence S89°27'04"E and leaving said right-of-way a distance of 66.33 feet

to the Point of Beginning, containing 1,565 Sq. Ft. (0.04 acres) more or less, all in Buffalo County, Nebraska.

PERMANENT SANITARY SEWER MAIN EASEMENT

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: Beginning at the southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 3 and assuming the south line of said Southwest Quarter of the Southwest Quarter as bearing S89°27'04"E and all bearings herein are relative thereto; thence S89°27'04"E on said south line a distance of 200.0 feet; thence N00°32'56"E perpendicular to said south line of the Southwest Quarter of the Southwest Quarter a distance of 45.0 feet to the Point of Beginning, said point being 12.0 feet north of the north right-of-way line of 11th Street (a street in the City of Kearney, Buffalo County, Nebraska); thence continuing N00°32'56"E a distance of 30.0 feet; thence N89°27'04"W and parallel with the south line of said Southwest Quarter of the Southwest Quarter a distance of 66.33 feet to a point of intersection on the east line of a tract of land deeded to the City of Kearney for road right-of-way; thence southeasterly on a 193.0 foot radius non-tangent curve concave southwesterly forming a central angle of 19°35'27", and having an arc distance of 66.02 feet, said point bearing S62°16'59"E a chord distance of 65.70 feet from the said point of intersection; thence S89°27'04"E and leaving said right-of-way a distance of 7.89 feet to the Point of Beginning, containing 1,237 Sq. Ft. (0.03 acres) more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Temporary and Permanent Sanitary Sewer Main Easement, marked as Exhibit "1" attached hereto and made a part hereof by reference, granted by RHOJCOAMT Partnership, Ltd. to the City of Kearney, Nebraska, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated the Agenda was amended on Monday, June 21, 2010 to include Item 14 for the Special Olympics Torch Run on the Consent Agenda.

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

1. Approve Minutes of Regular Meeting held June 8, 2010.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental

CO	Capital Outlay
DS	Debt Service

AT&T \$301.67 smcs; Adamiak,T \$14.23 smcs; Alamar Uniforms \$3,618.33 smcs,ps;
 Amer First Aid \$55.70 smcs; Anderson Bros \$230.67 smcs; Apple Market \$27.90 smcs;
 Ask Supply \$236.78 smcs; Aurora Coop \$301.27 smcs; Baird Holm \$2,187.50 smcs;
 Baker & Taylor Books \$4,816.21 smcs; Barber,M \$27.00 smcs; Barger,S \$32.00 smcs;
 BBC Audiobooks \$112.26 smcs; Beacon Athletics \$1,806.40 smcs; Beckenhauer,T
 \$8.55 smcs; Bluecross Blueshield \$107,496.30 smcs; Boss Grant & the Johnny
 \$2,500.00 smcs; Bosselman \$4,510.87 smcs; Brennan Industries \$661.25 smcs;
 Broadfoot's \$4,140.00 smcs; Broadwell,J \$52.23 smcs; Broadwell,R \$261.62 smcs;
 Buckle \$1,001.00 smcs; Buettgenbach,J \$44.73 smcs; Buffalo Co Court \$298.00 smcs;
 Buffalo Co Reg Deeds \$25.50 smcs; Buffalo Co Treasurer \$18,830.00 smcs,co;
 Builders \$2,090.27 smcs,co; Business Office Systems \$4.42 smcs; CNA Surety \$40.00
 smcs; Carlson,K \$54.00 smcs; Casey's General Store \$13.50 smcs; Cash-Wa
 Distributing \$7,422.84 smcs; Center Point Large Print \$56.92 smcs; Central Contracting
 \$28,648.80 co; Central Platte NRD \$21,280.00 co; Charter \$499.96 smcs; Chesterman
 \$4,955.13 smcs; Chief Industries \$9,091.80 co; CHS Agri Service \$4,369.74 smcs; Cit
 Group \$1,628.74 smcs; City Glass \$235.69 smcs; City of Ky \$23,060.98 co,ps,smcs;
 Clark,W \$21.00 smcs; Clatterbuck,A \$10.68 smcs; College Savings Plan of NE \$190.00
 ps; Conseco Life Ins \$24.00 ps; Cordova,T \$573.44 smcs; Credit Management Services
 \$198.71 ps; Crop Production \$286.00 smcs; Crouch Recreational \$65.00 smcs;
 Crushers \$390.00 co; D&D Industries \$320.00 smcs; Dandee Concrete \$595.00 smcs;
 DANKO Emergency \$129.00 smcs; Davis,C \$35.00 smcs; Dawson Co PPD \$22,012.63
 smcs; Day,D \$1,177.25 smcs; Dell \$1,318.80 co; Depository Trust \$1,102,268.75 ds;
 Deterdings \$16,130.99 smcs,co; Dreyer,D \$184.13 smcs; Dutton-Lainson \$218.26
 smcs,co; Development Council \$3,777.19 smcs; E&D Enterprises \$320.00 smcs; Eakes
 \$2,067.97 smcs,co; Egger,C \$27.41 smcs; Elliott Equipment \$557.45 smcs; EMC Ins
 \$22,390.30 smcs; EZ Turf \$8,614.96 co; Factual Data \$10.73 smcs; Fast,B \$13.04
 smcs; Fedex \$85.07 smcs; Flaherty,T \$168.00 smcs; Footjoy \$59.96 smcs; Frontier
 \$9,527.44 smcs; Fuller,L \$300.00 smcs; Fyr-Tek \$262.53 smcs; Gale \$1,812.86 smcs;
 Gangwish Turf \$102.00 smcs; Garrett Tires & Treads \$2,343.59 smcs; GD Construction
 \$13,305.00 co; GE Money Bank/Amazon \$2,446.80 smcs; Gealy's Greenhouse \$838.67
 smcs; Gensler \$77.38 smcs; Goetz,S \$21.00 smcs; Gooch Brake \$1,863.90 co;
 Gough,P \$150.00 smcs; Graves,W \$19.11 smcs; Gray,H \$10.33 smcs; Great Plains
 One Call \$491.07 smcs; Gregory,S \$38.00 smcs; Gutierrez,A \$6.74 smcs; H&H
 Distributing \$2,438.48 smcs; Hand,N \$19.86 smcs; Harley Davidson \$179.96 smcs; HD
 Supply \$917.16 smcs; Hemmerling,K \$52.29 smcs; Hollman Media \$300.00 smcs;
 Hometown Leasing \$541.51 smcs,co; HWS Consulting \$914.72 co; Hydro Tech \$51.00
 smcs; ICMA RC \$4,411.46 ps; IRS \$115,866.92 ps; Int'l Code Council \$50.00 smcs;
 Interstate Batteries \$55.00 smcs; Investment Property \$2,500.00 smcs; Jack Lederman
 \$1,534.08 smcs; Jackson,A \$700.00 smcs; JEO Consulting \$14,245.00 smcs; JLC
 \$96,957.00 co; Jump A Roo \$400.00 smcs; K Diver \$1,202.25 co; Ky Children's
 Museum \$7,500.00 smcs; Ky Clinic \$930.00 smcs,ps; Ky Concrete \$9,131.62 co; Ky
 Crete \$961.79 smcs,co; Ky Hub \$4,096.97 smcs; Ky Humane Soc \$6,500.00 smcs; Ky
 Noon Rotary \$105.00 smcs; Ky Towing \$95.00 smcs; KGFV-AM \$114.00 smcs;
 KHGI/KWNB \$75.00 smcs; Konica Minolta \$180.41 smcs; Krepel,J \$180.00 smcs;
 Landmark Audiobooks \$10.00 smcs; Linweld \$16.92 smcs; Lister,M \$35.00 smcs;
 Lundeen-Issacson \$2,110.00 ps; LVNV Funding \$274.92 ps; Magic Cleaning \$4,850.00

smcs; Mail Express \$198.48 smcs; Mann,R \$56.02 smcs; Manufacturer's News \$83.00 smcs; Marlatt Machine Shop \$249.65 smcs; Marshall Cavendish \$31.90 smcs; Mendoza,J \$20.00 smcs; Metlife \$8.10 ps; Mid-State Units \$270.00 smcs; Midwest Breathing Air \$4.76 smcs; Midwest Labs \$348.50 smcs; Miles,J \$7.92 smcs; Miller & Associates \$66,834.15 co; Miller Signs \$50.00 smcs; Mine Safety Appliances \$5,070.32 smcs; Miracle Recreation \$106.00 smcs; Municipal Supply \$1,400.83 co; Myers,R \$23.02 smcs; Nabower,B \$50.00 smcs; Napa Auto Parts \$77.58 smcs; NE Child Support \$2,407.20 ps; NE Crime Commission \$52.50 smcs; NE Dept of Aeronautics \$995.00 ds; NE Golf Assn \$900.00 smcs; NE Library Commission \$653.00 smcs; NE Machinery \$402.50 smcs; NE Safety & Equipment \$95.00 smcs; NE Sec of State \$30.00 smcs; NEland Distributors \$2,809.86 smcs; Norm's Plumbing \$1,064.71 smcs; Northwestern Energy \$3,530.22 smcs; NWEA \$275.00 smcs; NWOD \$20.00 smcs; O'Keefe Elevator \$453.44 smcs; Orkin \$200.00 smcs; Overhead Door \$65.00 smcs; Panowicz,K \$108.00 ps; Paramount Linen \$248.07 smcs; Peerless Machine \$665.35 smcs; Pep Co \$102.20 smcs; Platte Valley Comm \$731.67 smcs; Postmaster \$220.00 smcs; Presto-X \$162.75 smcs; Professional Electronics \$800.00 smcs; Random House \$468.88 smcs; Ready Mixed Concrete \$6,660.61 smcs,co; Recognition Unlimited \$28.55 ps; Recorded Books \$1,508.38 smcs; Rick's Sod Farm \$1,780.00 smcs; RJ Lee Group \$80.63 smcs; RNDC-Eagle Division \$260.16 smcs; RNDC-Falcon Division \$196.74 smcs; Robbins,H \$35.00 smcs; Roche,M \$25.00 smcs; Rose,C \$9.84 smcs; Safariland \$257.36 smcs; Sahling Kenworth \$5.56 smcs; Sapp Bros \$22,305.62 smcs; Schaffert,S \$3.97 smcs; Scheer,K \$14.00 smcs; Schriener,D \$31.00 smcs; Seefus,M \$2.10 smcs; Sirchie Finger Print \$152.40 smcs; Soca Juke Box \$3,000.00 smcs; Solid Waste Agency \$46,156.86 smcs; Stanton,D \$20.00 smcs; Steinbrink Landscaping \$25,110.00 smcs,co; Sterling Distributing \$416.75 smcs; Storrs,M \$18.41 smcs; Sungard Public Sector \$64,198.83 smcs; SWANA \$181.00 smcs; T&F Sand & Gravel \$584.00 smcs; Taylor Made \$2,906.29 smcs; Theis,J \$60.00 smcs; Tielke Enterprise \$434.48 smcs; Titleist \$511.99 smcs; Tool Doctor \$35.00 co; Traffix Devices \$1,673.65 co; Tri-Cities Group \$281.54 smcs; Turner Body Shop \$75.00 smcs; UPRR \$100.00 er; Unique Management \$250.60 smcs; Urbanek,G \$20.00 smcs; Wagnitz,B \$37.53 smcs; Wald & Co \$12,500.00 smcs; Walsh,C \$25.00 smcs; Welty,C \$3,525.00 co; Wenig,C \$36.45 smcs; West Payment Center \$1,372.10 smcs; White,A \$250.00 smcs; Wiegand Security \$80.00 smcs; Wilke, Brock \$13.66 smcs; Wilkins Hinrichs Stober \$4,515.27 co; WPCI \$264.00 ps; Yanda's Music \$1,500.00 smcs; Zimmerman Printers \$755.96 smcs; Payroll Ending 6-5-2009 -- \$364,305.12; and Payroll Ending 6-19-2010 -- \$375,258.78. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set July 13, 2010 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve Developer Constructed Infrastructure Agreement for Lot 16 of Block 2, Stoneridge Eighth Addition between the City of Kearney and General Properties L.L.C. for the construction of a sanitary sewer main and approve **Resolution No. 2010-120**.

RESOLUTION NO. 2010-120

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF

KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Lot 16 of Block 2, Stoneridge Eighth Addition" between the City of Kearney and General Properties L.L.C., a Nebraska Limited Liability Company to construct sanitary sewer to serve Lot 16 of Block 2, Stoneridge Eighth Addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Brett Weiss, Manager of General Properties L.L.C. to construct said sanitary sewer as stated above.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 5. Approve the application submitted by Terry Broadfoot from Broadfoot Sand & Gravel to extend Conditional Use Permit No. 2000-07 to operate a clay extraction operation at 70th Street and 30th Avenue for a period of two years.
- 6. Approve the application submitted by Cheryl Schroeder to extend Conditional Use Permit No. 1998-05 to operate a bed and breakfast at 2915 5th Avenue for a period of one year.
- 7. Approve the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the auction to be held on July 24 from 7:30 a.m. until 2:00 p.m.
- 8. Approve **Resolution No. 2010-121** allowing the City to expend funds on the 2010 Part 3 Improvements for the Talmadge Street paving and storm water project from the proceeds of the Series 2010 Bond Anticipation Notes.

RESOLUTION NO. 2010-121

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 3 Improvements – Paving/Stormwater \$275,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$275,000.00.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the Grant Agreement between the City of Kearney and Federal Aviation Administration with regard to an Aviation Easement with Wolford Farms, Inc. for property located south of the Union Pacific Railroad right-of-way and south of the main runway at the Kearney Regional Airport and approve **Resolution No. 2010-122.**

RESOLUTION NO. 2010-122

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR PROJECT NO. 3-31-0045-24-2010 TO OBTAIN AN AVIATION EASEMENT FROM WOLFORD FARMS, 6.73 ACRES FOR APPROACHES AT THE KEARNEY REGIONAL AIRPORT

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Project No. 3-31-0045-24-2010 to obtain an additional aviation easement at the end of the main runway for the Airport in an effort to protect air traffic entering the Airport’s airspace; and

WHEREAS, the Federal Aviation Administration has approved the project for the Kearney Regional Airport.

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

1. The City of Kearney shall enter into a Grant Agreement with the Federal Aviation Administration for Project No. 3-31-0045-24-2010 to obtain an additional aviation easement at the end of the main runway for the Airport in an effort to protect air traffic entering the Airport’s airspace. The said Grant Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve Change Order No. 2 showing a decrease in the amount of \$75,925.50, Application and Certificate for Payment No. 3-Final in the amount of \$3,640.00, and accept the Certificate of Substantial Completion submitted by Blessing, LLC and approved by Miller & Associates for the 2008 Part 4 Improvements; 39th Street and 17th Avenue Intersection Improvements and approve **Resolution No. 2010-123.**

RESOLUTION NO. 2010-123

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2008 Part 4 Improvements; 39th Street and 17th Avenue Intersection Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease to the contract sum in the amount of \$75,925.50, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$3,640.00, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$267,833.25
Change Order No. 1 (10-27-2009)	+ 4,990.70
Change Order No. 2 (6-22-2010)	- 75,925.50
Contract Sum To Date	196,898.45
Gross Amount Due	196,898.45
Retainage	.00
Amount Due to Date	196,898.45
Less Previous Certificates for Payment	<u>193,258.45</u>
Current Payment Due	\$ 3,640.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 19, 2010, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 3-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

11. Approve Application and Certificate for Payment No. 3 in the amount of \$311,976.80 submitted by Midlands Contracting and approved by Miller & Associates for 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 approve **Resolution No. 2010-124.**

RESOLUTION NO. 2010-124

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed

services in connection with 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$311,976.80, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$2,269,439.00</u>
Contract Sum To Date	2,269,439.00
Gross Amount Due	1,393,893.77
Retainage	139,389.38
Amount Due to Date	1,254,504.40
Less Previous Certificates for Payment	<u>942,527.60</u>
Current Payment Due	\$ 311,976.80

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

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve Application and Certificate for Payment No. 2 in the amount of \$153,315.00 submitted by Blessing, LLC and approved by Miller & Associates for the 2010 Part 1 Improvements consisting of paving 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. 2010-125**.

RESOLUTION NO. 2010-125

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2010 Part 1 Improvements consisting of paving 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$153,315.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,256,795.30</u>
Contract Sum To Date	1,256,795.30
Gross Amount Due	176,779.00
Retainage	17,677.90
Amount Due to Date	159,101.10
Less Previous Certificates for Payment	<u>5,786.10</u>
Current Payment Due	\$ 153,315.00

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

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Accept the bids received for Phase I, Cell 5A Landfill Construction at the Kearney Area Solid Waste Agency Landfill and approve **Resolution No. 2010-126** awarding the bid to BSB Construction of Curtis, Nebraska in the amount of \$459,638.10.

RESOLUTION NO. 2010-126

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on June 15, 2010 at 2:00 p.m. for the construction of Phase I, Cell 5A Landfill Construction at the Kearney Area Solid Waste Agency Landfill; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$509,813.50; and

WHEREAS, the said engineers have recommended the bid offered by BSB Construction of Curtis, Nebraska in the sum of \$459,638.10 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that BSB Construction of Curtis, Nebraska be and is the lowest responsible bidder for the construction of Phase I, Cell 5A Landfill Construction at the Kearney Area Solid Waste Agency Landfill to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of BSB Construction, Inc. of Curtis, Nebraska in the sum of \$459,638.10 be and is hereby accepted subject to approval by the Nebraska Department of Environmental Quality.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$509,813.50 be and is hereby accepted.

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

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve the request submitted by Seth Van Horn to conduct the Nebraska Special Olympics Torch Run on July 15, 2010 beginning at 11:30 a.m. The route will begin at 25th Street and Central Avenue, south on Central Avenue to Railroad Street, west on Railroad Street to 1st Avenue, north on 1st Avenue to 25th Street, south on

25th Street to 15th Avenue, north on 15th Avenue to University Drive, east on University Drive and ending at Foster Field.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 7600 – ISSUE 2010 BOND ANTICIPATION BONDS

Bruce Lefler from Ameritas Investements presented this matter to the Council. On April 27, 2010, the City Council awarded a bid of \$698,752.00 to Blessing, LLC for the 2010 Part 2 Improvements (Park View Estates Fifth Addition). Additionally, on June 8, 2010, the City Council awarded a bid of \$233,059.00 to Dan Roeder Concrete for the 2010 Part 3 Improvements (Talmadge Street). These two projects need to be financed by the issuance of Series 2010 Bond Anticipation Notes. The Notes will provide short-term financing for the project. After the project is completed, the Notes will be redeemed at maturity with cash received from the issuance of Series 2012 Various Purpose General Obligation Bonds. The Bonds will provide long-term (twenty years) financing for the project. The Series 2010 Bond Anticipation Notes will be dated June 15, 2010 and will mature on December 15, 2012. The interest rate for the Notes is 1.20% and the total principal amount of the Notes is \$1,090,000.00. It is anticipated that the term of the Bonds will be twenty years. The City will be required to include appropriate funding in its annual budget to pay the principal and interest on the Bonds during the twenty-year life of the Bonds.

Council Member Buschkoetter introduced Ordinance No. 7600, being Subsection 1 of Agenda Item VI authorizing the issuance and sale of Bond Anticipation Notes of the City of Kearney, Nebraska, in the principal amount of \$1,090,000 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District Nos. 2010-938, 2010-939, 2010-940 and 2010-941 of said City pending the issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said Notes; agreeing to issue the City's General Obligation Various Purpose Bonds to pay the Notes at maturity or to pay the Notes from other available funds; entering into a contract on behalf of the City with the holders of said notes, 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, Lear, Lammers, Kearney, Buschkoetter. 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. 7600 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay:

None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Kearney that Ordinance No. 7600 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7600 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.

FAIRFIELD INN REDEVELOPMENT PROJECT

Mayor Clouse opened for discussion the redevelopment project for Redevelopment Area #8 for an area described as part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (420 Talmadge Street) and to consider Resolution No. 2010-127.

Jon Abegglen, Chairman of the CRA, presented this matter to the Council. On June 18, 2010 the Kearney Community Redevelopment Authority (CRA) approved a Tax Increment Financing (TIF) application submitted by Paul Younes, on behalf of Fairfield Inn & Suites for a development project located in Area 8. This project is located west of the Younes Conference Center. This will be final phase of this Conference Center project campus in that area. The street itself will be three lanes which includes a turning lane which will help with traffic in that area.

The CRA recognized that significant blight and substandard factors exist in the area and that redevelopment in Area 8 would be beneficial to the City of Kearney. This TIF project ameliorates such factors on the project site and creates a substantial investment in site preparation and infrastructure which would not be possible without tax increment financing. Eligible project costs include site work, parking lot construction, and lighting estimated at \$832,670.00. Water, sewer and paving improvements on Talmadge Street to the west side of the project area are estimated at \$455,000.00 – total estimated eligible costs are \$1,287,670.00. The total new valuation of the property is estimated to be \$7,601,225.00. This project is estimated to generate an increased tax increment of \$158,978.00 annually. Up to ninety percent of the increased tax increment, approximately \$143,080.20 annually, will be used to pay for eligible site preparation and infrastructure costs over the next ten years. Taxing authorities will see an immediate total revenue increase of approximately \$15,897.80.

What is unique about this project is that typical projects like this use a 14-year basis or repayment of this and this particular project is ten years. The other taxing entities are going to benefit much quicker from the additional revenue that is generated from this development. This project has really worked well for all taxing authorities.

Moved by Kearney seconded by Lammers to approve the redevelopment project for Redevelopment Area #8 for an area described as part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (420 Talmadge Street) and approve **Resolution No. 2010-127**. Roll call resulted as follows: Aye: Clouse, Kearney,

Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2010-127

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

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

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

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

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land being part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska with that part of Lot 1 being more particularly described as follows: referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1 a distance of 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, south a distance of 267.50 feet; thence west a distance of 356.73 feet to the place of beginning, all in the City of Kearney, Buffalo County, Nebraska; and

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

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land being part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska with that part of Lot 1 being more particularly described as follows: referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1 a distance of 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, south a distance of 267.50 feet; thence west a distance of 356.73 feet to the place of beginning, all in the City of Kearney, Buffalo County, Nebraska, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on the attached Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land being part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska with that part of Lot 1 being more particularly described as follows: referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1 a distance of 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, south a distance of 267.50 feet; thence west a distance of 356.73 feet to the place of beginning, all in the City of Kearney, Buffalo County, Nebraska, shall be divided, for a period not to exceed 10 years after the effective date of the provision, which effective date shall be June 22, 2010, as follows:

a. That proportion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That proportion of the ad valorem tax on real property in the

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

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

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

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS: NPPD - \$54,822.20, PLATTE VALLEY STATE BANK - \$48,954.27, SCHOOL DISTRICT #7 - \$3,066.56

Moved by Lammers seconded by Buschkoetter that Open Account Claims in the amount of \$48,954.27 payable to Platte Valley State Bank, and in the amount of \$54,822.20 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse and Lear abstained. Motion carried.

Moved by Lear seconded by Kearney that Open Account Claims in the amount of \$3,066.56 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Kearney. Nay: None. Buschkoetter and Lammers abstained. Motion carried.

VII. REPORTS

UPDATE ON TOURISM DEVELOPMENT GRANT

Assistant to the City Manager Suzanne Brodine stated that Governor Heineman announced that the City of Kearney would be awarded a \$300,000 Community Development Block Grant for Tourism Development for the World Theatre Project. Staff has been working with the World Theatre Foundation for nearly one year to prepare for grant applications and leverage private funding to complete the redevelopment project.

The World Theatre Foundation, and Chair Jon Bokenkamp, have worked tirelessly on planning and fundraising with the goal of renovating and reopening the World Theatre

for concerts, special events, and independent, art, and classic film showings. The dedication of the World Theatre Foundation and local donors was leveraged to secure grants: \$17,000 from the CRA, \$25,000 from the City ½ cent sales tax, and \$10,000 from the Downtown Improvement Board.

The \$300,000 grant from the State Department of Economic Development has been matched by \$100,000 in cash and in-kind donations by the World Theatre Foundation. An additional \$212,270 in funding has also been committed by the Foundation for the project – bringing the total project cost to \$612,270.

The funds will be used for making the building and restrooms handicapped accessible, replacing the seating, remodeling the stage, installing a fire sprinkler system, new sound equipment and a projector and other renovations to the interior and exterior of the building.

CLOSED SESSION

Moved by Clouse seconded by Lammers that Council adjourn into closed session at 7:20 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. 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 7:46 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 7:46 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**