

Kearney, Nebraska
August 24, 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 August 24, 2010, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney. Absent: Bob Lammers and Bruce Lear. 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; Shawna Erbsen, Human Resources Director; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Candy Kuntz, Don Wooley, Jolissa May, Kelly Koerner, Greg Urbanek, Don Dreyer, Kevin Thompson, Brian Flynn, Robert Taillon, several family members of Jennifer Caudillo, 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 Kurt Schaser from Good Shepherd Lutheran 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.

OATH OF OFFICE; POLICE OFFICER JENNIFER CAUDILLO

City Clerk Michaëlle Trembly administered the Oath of Office to Police Officer Jennifer Caudillo. Several family members and police officers were present during the ceremony.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS**BOARD OF EQUALIZATION FOR PAVING, WATER AND SEWER DISTRICTS**

Mayor Clouse opened the public hearing for the Council to meet as a Board of Equalization to assess costs in connection with Paving Improvement District No. 2008-930 for 48th Street from the east right-of-way line of 11th Avenue to the east line of Lot 1, Block Four, Windsor Estates Seventh Addition; Paving Improvement District No. 2008-931 for 10th Avenue Place from 48th Street to end of cul-de-sac; Paving Improvement District No. 2008-932 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition; Paving Improvement District No. 2008-933 for 10th Avenue from the north line of 48th Street north to the north a distance of 293.98 feet to the northeast corner of Lot 24 of Block 3, Fountain Hills Third Addition; Water District No. 2008-554 for 48th Street from the east lot line of Lot 7, Block 4 to the west lot line of Lot 10 of Block 4, Fountain Hills Third Addition; Water District No. 2008-555 for 10th Avenue Place from 48th Street to end of cul-de-sac; Water District No. 2008-556 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Water District No. 2009-557 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition; Sewer District No. 2008-495 for 48th Street from the west line of 11th Avenue to the east lot line of Lot 1 of Block 4, Fountain Hills Third Addition; AND in 10th Avenue Place from the south line of 48th Street to its terminus in a cul-de-sac; Sewer District No. 2008-496 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Sewer District No. 2009-497 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition and to consider Resolution No. 2010-148.

On November 25, 2008 the City created the following districts:

- Paving Improvement District No. 2008-930 for 48th Street from the east right-of-way line of 11th Avenue to the east line of Lot 1, Block Four, Windsor Estates Seventh Addition.
- Paving Improvement District No. 2008-931 for 10th Avenue Place from 48th Street to end of cul-de-sac.
- Paving Improvement District No. 2008-932 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition.
- Paving Improvement District No. 2008-933 for 10th Avenue from the north line of 48th Street north to the north a distance of 293.98 feet to the northeast corner of Lot 24 of Block 3, Fountain Hills Third Addition;

- Water District No. 2008-554 for 48th Street from the east lot line of Lot 7, Block 4 to the west lot line of Lot 10 of Block 4, Fountain Hills Third Addition.
- Water District No. 2008-555 for 10th Avenue Place from 48th Street to end of cul-de-sac.
- Water District No. 2008-556 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition.
- Sewer District No. 2008-495 for 48th Street from the west line of 11th Avenue to the east lot line of Lot 1 of Block 4, Fountain Hills Third Addition; AND in 10th Avenue Place from the south line of 48th Street to its terminus in a cul-de-sac.
- Sewer District No. 2008-496 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition.

On April 14, 2009 the City created the following districts:

- Water District No. 2009-557 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition.
- Sewer District No. 2009-497 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition.

After completion of the construction projects, the City hired a title company to complete property abstracts so that assessments could be levied. These districts have been completed and, in order to satisfy state law, when paving, water and sanitary sewer districts are completed, the City Council must act as a Board of Equalization to levy assessments on properties so benefited. Property owners will then be required to pay the first installment within 50 days (October 13, 2010) or will be able to pay the entire assessment without any interest prior to this date.

In accordance with the Subdivision Agreement between the City of Kearney and the developer, public improvements were to be created through improvement districts. Section 57-102 of the Kearney City Code requires the developer to deposit fifty percent of the total estimated costs of the districts. The remaining unpaid costs of the improvements shall be assessed against the property in said districts on a basis of special benefit to the property, if any, as provided by law.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Buschkoetter to close the hearing for the Council meeting as the Board of Equalization and adopt **Resolution No. 2010-148** assessing costs for Paving Improvement District No. 2008-930 for 48th Street from the east right-of-way line of 11th Avenue to the east line of Lot 1, Block Four, Windsor Estates Seventh Addition; Paving Improvement District No. 2008-931 for 10th Avenue Place from 48th Street to end of cul-de-sac; Paving Improvement District No. 2008-932 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition; Paving Improvement District No. 2008-933 for 10th Avenue from the north line of 48th Street north to the north a distance of 293.98 feet to the northeast corner of Lot 24 of Block 3, Fountain Hills Third Addition; Water District No. 2008-554 for 48th Street from the east lot line of Lot 7, Block 4 to the west lot line of

Lot 10 of Block 4, Fountain Hills Third Addition; Water District No. 2008-555 for 10th Avenue Place from 48th Street to end of cul-de-sac; Water District No. 2008-556 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Water District No. 2009-557 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition; Sewer District No. 2008-495 for 48th Street from the west line of 11th Avenue to the east lot line of Lot 1 of Block 4, Fountain Hills Third Addition; AND in 10th Avenue Place from the south line of 48th Street to its terminus in a cul-de-sac; Sewer District No. 2008-496 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Sewer District No. 2009-497 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

RESOLUTION NO. 2010-148

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

Section 1. The President and Council find and determine that the streets in Paving Improvement District Nos. 2008-930, 2008-931, 2008-932, and 2009-933 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. The President and Council find and determine that the water main heretofore ordered installed in Water District Nos. 2008-554, 2008-555, 2008-556, and 2009-557 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 3. The President and Council find and determine that the sanitary sewer main heretofore ordered installed in Sanitary Sewer District Nos. 2008-495, 2008-496, and 2009-497 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said sanitary sewer main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 4. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the

Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 5. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District Nos. 2008-930, 2008-931, 2008-932, and 2009-933 shall become delinquent as follows:

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

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

Section 6. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District Nos. 2008-554, 2008-555, 2008-556, and 2009-557 shall become delinquent as follows:

- 1/5th fifty days after date of this Resolution
- 1/5th one year after date of this Resolution
- 1/5th two years after date of this Resolution
- 1/5th three years after date of this Resolution
- 1/5th four years after date of this Resolution

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

Section 7. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Sanitary Sewer District Nos. 2008-495, 2008-496, and 2009-497 shall become delinquent as follows:

- 1/5th fifty days after date of this Resolution
- 1/5th one year after date of this Resolution
- 1/5th two years after date of this Resolution
- 1/5th three years after date of this Resolution
- 1/5th four years after date of this Resolution

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

COMMUNITY DEVELOPMENT BLOCK GRANT FOR TECHNOLOGY PARK

Mayor Clouse opened the public hearing on an application to the Department of Economic Development for Community Development Block Grant funds pertaining to the development of a technology park and to consider Resolution No. 2010-149.

Candy Kuntz, Grant Administrator from Miller & Associates, presented this matter to the Council. The Economic Development Planning program is a funding category within the Community Development Block Grant program funded and developed by the Nebraska Department of Economic Development. This program assists communities with planning and development activities to attract new and expanding businesses. By submitting an application, the City of Kearney agrees that:

- A site will be planned and developed to attract data center facilities;
- 51% of jobs created or retained through economic development activities in subsequent phases on the planned site will benefit low- and moderate-income persons.

Previously the City was the recipient of a grant in the amount of \$77,500 used for planning activities associated with this site and the project. This is the second phase of this project. They are looking at acquiring a parcel of land that is approximately 116 acres, more or less, on which the environment assessment has been completed. Kearney will request \$675,000 to assist in purchasing a site for technology and data center businesses and an additional \$5,000 for grant administration activities. The City of Kearney will request \$680,000. The City is required to have a match of \$675,000 that is usually in the form of a cash match. For this project, they are being allowed to use partial cash match and partial real estate for this transaction.

Council member Buschkoetter stated this is a wonderful investment for the community because it has the potential for a large number of sophisticated, well paying jobs to come within our community and the State of Nebraska. He can see UNK getting involved by training people. This has been a long process which can move forward with approval at this meeting.

City Manager Michael Morgan thanked Candy Kuntz for completing this challenging grant process. The City is very fortunate to have Candy, Miller & Associates and Assistant to the City Manager Suzanne Brodine who have worked tirelessly on this project to get to this point. They did get some exceptions; however, DED has been very gracious to allow the City to have this land match option in lieu of a total cash match. He also expressed his appreciation for Darren Robinson who has been very involved. City Attorney Mike Tye deserves credit as this has been one of the most complicated legal matters the City has been involved with. It was difficult to satisfy the State, private land owners, environmental issues and legal issues which made it a very complicated project. He also extended thanks to Buffalo County for paving 56th Street. This development is located on \$2.6 million of public improvements that have occurred in the last six months which includes paving, water and sewer.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and approve the application to the Department of Economic Development for Community Development block Grant funds pertaining to the development of a technology park and adopt **Resolution No. 2010-149**. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

RESOLUTION NO. 2010-149

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$680,000 for planning and development activities to attract new and expanding businesses for a technology center facilities.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Council of the City of Kearney, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

PROPOSED ACQUISITION OF 116 ACRES FOR TECHNOLOGY PARK

Public Hearings 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition to develop a technology park of a tract of land described as all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., containing 116.1 acres more or less, all in Buffalo County, Nebraska and to consider Resolution No. 2010-150.

City Attorney Michael Tye presented this matter to the Council. Section 18-1775 of the Nebraska Revised Statute 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. A Stock Purchase Agreement is being negotiated between the City of Kearney and Donaly Farms, Inc. The City has been negotiating to acquire property that would meet the requirements for a technology park location. Donaly Farms owns 116.1 acres which is generally located at the corner of 56th Street and Antelope Avenue. This site has been reviewed by the City's consultants and it meets all of their requirements to develop it as a technology

park. In order to pay for the acquisition of this property, the City has proposed to transfer 170 acres of agricultural property from the Airport to Donaly Farms with an attributed value of \$850,000. In addition, the City would pay \$800,000 in cash which would consist of \$675,000 in state grant money plus an additional \$125,000 paid by the City. The total purchase price is \$1,650,000 or \$14,211.88 per acre.

This Stock Purchase Agreement is contingent upon the City receiving the full grant request and is also subject to FAA approval with reference to the transfer of the Airport property. The City of Kearney would transfer 170 acres of Airport property to Donaly Farms and the remaining cash for this purchase would be paid for through a \$675,000 state grant and \$125,000 in City funds.

Darren Robinson, Buffalo County Economic Development Executive Director, commended the City Council and City Administration for making this tech project a reality. If it were not for the resources in this project, this could have easily ended up in another community. The action to approve the purchase agreement is a critical step in securing the State's \$675,000 to obtain a very marketable piece of property. From a marketability standpoint, having ownership of the property and the way it is configured gives the ability to quickly say "yes" to a prospective client for 20, 40 or 60 plus acres without having to negotiate the balance of the ground will speed this up from a 20-year project to less than five years. If someone is looking at a larger parcel, 40 acres can facilitate 70,000 square foot of data center. To put this in perspective, the Yahoo Data Center in LaVista is 100,000 square feet and is massive.

Mr. Robinson stated that he has a road trip planned on September 2nd with seven dignitaries from the University of Nebraska at Kearney to take a look at the Metro Community College IBM Data Center. He also has made contact with IBM (since he used to work for them) and tour the IBM Data Center. This will be a real eye opener for the University. He hoped that when UNK gets ready to remodel the Otto Olsen building that could be an opportunity to put in a mock data center within that facility.

Mr. Robinson stated in his Economic Development office, they have restructured job duties and is working on some support staff to free up more of his time. He wants to make sure that he can dedicate all the time that this project deserves. This is a great project and he appreciates the team that he has to work with. This is particularly exciting for him from a technology standpoint because he was the technology manager for Cabela's for a number of years. He has a very good background to kind of "talk the talk" with these folks. The State will be bringing out some selection consultants and he has two data site consultants who are very interested in the property.

Mayor Clouse stated this is a project that was first looked at about a year and a half ago so it has been a long process to this point.

City Manager stated that combined with planning, rezoning will be coming forth for that property as the process moves forward in the future. This will make this a "shovel ready" site. In the City budget this year, they included some additional funding which has been allocated to Mr. Robinson for specifically marketing this site. It is important to accomplish in order to give him the tools to market this site in addition to the skills that he has.

Mr. Robinson stated the State has also allocated some significant resources to market this project. This is a project that was initiated at the State's end so they want to see it be as successful as the City does.

City Manager stated that three cities were chosen to be provided that type of funding. Our community is far ahead of the others in the process and will be the first community that has a site that is owned, zoned with paving, water and sewer infrastructure available. That is going to be very important to us. Data centers have a certain amount of life and at some point that will change. It is critical to get it developed as soon as possible. There are a lot of technology centers other than Yahoo and Google and there is big market out there for these types of businesses.

Council member Kearney stated that citizens have asked why the airport land that the City owns was not used instead of purchasing land for this project. He was told by the consultants that the land needed to be two miles from the airport.

City Manager stated that the airport land is agricultural with some drainage concerns. There is not sufficient paving, water and sewer in that area which would have presented a much larger challenge. They were not interested in this site and required certain specifications. There were very few areas around Kearney that met those specifications. This land purchase has the potential for all of those things.

City Attorney Michael Tye stated one of the requirements was that the site be two miles from the airport which eliminated all the airport property that the City controls. City Manager added that the State's contribution is going to total about \$750,000 and their preference was this site as well. When you look at the land prices, you also have to look at the net cost which is significantly lower due to the State's contribution. This is a fairly large contribution in a grant like this for land purchase.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Kearney to close the hearing and allow the City Manager to negotiate the proposed acquisition to develop a technology park of a tract of land described as all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., containing 116.1 acres more or less, all in Buffalo County, Nebraska and adopt **Resolution No. 2010-150**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Kearney. Nay: None. Lammers and Lear absent. Motion carried.

RESOLUTION NO. 2010-150

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 the development of a technology park and voted in favor to proceed with

the acquisition; and

WHEREAS, the City Council of the City of Kearney, Nebraska has determined the necessity of acquiring fee simple title for the development of a technology park, including any mortgage and leasehold interests on the following tract of property: all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., containing 116.1 acres more or less, all in Buffalo County, Nebraska; and

WHEREAS, the City Council finds and determines that it is necessary for the public health, safety and general interest and welfare of the citizens of Kearney that possession of the property interest as described above be acquired as soon as possible for the development of a technology park.

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

1. The City Attorney and City Manager be, and hereby are, authorized on behalf of the City to complete negotiations for possession of and fee simple title to the property set forth above, together with the temporary construction easements; and

2. If the acquisition and possession of such property is not possible through negotiations, the City Attorney be, and hereby is, directed to commence eminent domain proceedings on behalf of the City of Kearney to obtain title, acquisition, and possession of said property interest as soon as legally possible.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

PROPOSED ACQUISITION OF ADDITIONAL 40 ACRES FOR FUTURE EXPANSION OF TECHNOLOGY PARK

Public Hearings 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for future expansion of a technology park of a tract of land described as all that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., containing 40.8 acres more or less, all in Buffalo County, Nebraska and to consider Resolution No. 2010-151.

City Attorney Michael Tye presented this matter to the Council. Section 18-1775 of the Nebraska Revised Statute 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 negotiating a potential purchase of the larger parcel from Donaly Farms, the City has negotiated an Option Agreement to purchase an additional 40 acres from Donaly Farms which is located just to the east of 116.1 acre parcel which is the subject matter of a proposed Purchase Agreement. The exclusive Option Agreement allows the City of Kearney to buy an additional 40 acres at a price of \$16,000.00 per acre with this amount increasing

5% each year for a period of five (5) years. The City of Kearney would pay \$6,000 for the option and would not be obligated to purchase the property but may do so during the five (5) year period at its option. The Option Agreement is contingent upon the closing of the purchase of the 116.1 acre parcel.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Buschkoetter to close the hearing and allow the City Manager to negotiate the proposed acquisition for future expansion of a technology park of a tract of land described as all that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., containing 40.8 acres more or less, all in Buffalo County, Nebraska and adopt **Resolution No. 2010-151**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Kearney. Nay: None. Lammers and Lear absent. Motion carried.

RESOLUTION NO. 2010-151

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 of an additional 40 acres for future expansion of a technology park and voted in favor to proceed with the acquisition; and

WHEREAS, the City Council of the City of Kearney, Nebraska has determined the necessity of acquiring fee simple title for future expansion of a technology park, including any mortgage and leasehold interests on the following tract of property: all that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., containing 40.8 acres more or less, all in Buffalo County, Nebraska; and

WHEREAS, the City Council finds and determines that it is necessary for the public health, safety and general interest and welfare of the citizens of Kearney that possession of the property interest as described above be acquired as soon as possible for future expansion of a technology park.

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

1. The City Attorney and City Manager be, and hereby are, authorized on behalf of the City to complete negotiations for possession of and fee simple title to the property set forth above, together with the temporary construction easements; and

2. If the acquisition and possession of such property is not possible through negotiations, the City Attorney be, and hereby is, directed to commence eminent domain proceedings on behalf of the City of Kearney to obtain title, acquisition, and possession of said property interest as soon as legally possible.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 18 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held August 10, 2010.

2. Approve the following Claims:

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

A and D Cable \$106.39 co; AT&T \$178.56 smcs; AM Best Co \$73.90 smcs; AAA Rents and Event \$111.83 smcs; Ace Eaton \$610.00 smcs,co; Ace Hardware \$97.94 smcs; Aecessorygeekscm \$35.65 co; Advance Auto Parts \$229.99 smcs; Afternooners \$1,234.47 smcs; Agri Coop \$3,326.56 smcs; Airgas No Central \$50.35 smcs; Al-Jon Mfg \$270.58 smcs; Allied Hand Dryer \$90.75 smcs; Almquist,R \$160.00 smcs; Amax Contracting \$32.00 smcs; Amazon \$966.40 smcs,co; Amer Electric \$632.22 smcs,co; Amer Fence \$3,885.00 smcs; Amer First Aid \$501.03 smcs; Amer Fountain Supply \$1,610.00 smcs; Amsan \$2,241.64 smcs; Andersen Wrecking \$15.00 smcs; Anderson Brothers \$709.49 smcs; Apple Market \$126.01 smcs; Arrow Seed \$507.46 smcs; Ask Supply \$705.20 smcs; Asknet-shopscom \$29.95 co; Aspen Publishers \$217.85 smcs; Audio Go \$112.26 smcs; Aurora Coop \$108.80 smcs; Auto Glass-Safelite \$366.80 smcs; B&S Concrete \$600.00 co; B.A.B. \$14,651.50 smcs; B2 Environmental \$150.00 smcs; B2B Computer \$695.00 co; Bachman,S \$27.62 smcs; Baker & Taylor Books \$4,946.59 smcs; Bamford \$298.00 smcs; Barr Thorp Electric \$276.05 smcs; Berendsen \$258.07 smcs; Blessing Construction \$225,692.09 smcs,co; Bluecross Blueshield \$175,917.64 smcs; Bobs Super Store \$82.18 smcs; Boogaarts \$29.65 smcs; Bosselman Energy \$35,763.87 smcs; Broadfoot's \$3,241.31 smcs,co; Brouwer,K \$11.04 smcs; Brown Transfer \$86.67 smcs; Brown,K \$250.00 smcs; Buffalo Co Court \$375.29 ps; Buffalo Outdoor Power \$1,238.87 smcs; Buggy Bath Car Wash \$144.00 smcs; Builders \$2,467.51 smcs,co; Carquest \$1,299.54 smcs; Cash-Wa \$10,109.75 smcs; Casey's General \$91.33 smcs; CBA Lighting \$408.00 smcs; Central Contracting \$77,557.50 co; Central Hydraulic \$1,481.73 smcs,co; Central NE Bobcat \$109.86 smcs; Certified Power \$790.73 smcs; Charlesworth & Associates \$125.00 smcs; Charter \$240.94 smcs; Chesterman \$5,642.17 smcs; Cisec \$35.00 smcs; City Glass \$192.63 smcs; City of Ky \$83,458.27 smcs,co,ps; City Plumbing \$1,170.62 co; Clevenger Oil \$398.49 smcs; College Savings Plan of NE \$190.00 ps; Comfy Bowl \$115.00 smcs; Conner,D \$35.00 smcs; Consec Life Ins \$24.00 psConstruction Rental \$660.49 smcs,co; Copycat Printing \$310.63 smcs,co; Credit Information Systems \$9.50 smcs; Credit Management Services \$525.87 ps; Crop Production \$2,562.70 smcs; Crossroads Ford \$3,263.39 smcs,co; Crossroads Welding \$640.81 smcs; Crouch Recreational

\$55.20 smcs; Crown Awards \$353.51 smcs; CSN Stores \$99.03 smcs; Culligan \$125.50 smcs; Cummins Central Power \$25.76 smcs; D&D Industries \$48.00 smcs; D&S Lighting \$257.22 smcs; DAI Shop \$195.37 smcs; Danielson Tech Supply \$36.40 smcs; Davis Equipment \$621.00 smcs; Dawson Co PPD \$34,417.46 smcs; Dell \$2,846.89 smcs,co; Depository Trust \$122,385.00 ds; Deterdings \$38.08 smcs; Diamond Vogel \$290.72 smcs; Dmilaco \$284.55 smcs; Dollar-General \$3.75 smcs; DPC Industries \$10,651.86 smcs; Dutton Lainson \$306.93 smcs,co; Eakes \$8,308.70 smcs; Ecolab \$31.00 smcs; Elliott Equipment \$687.42 smcs; EMC Ins \$18,765.27 smcs; Emerson Network \$331.00 smcs; Environmental Direct \$825.00 smcs; Eustis Body Shop \$600.00 smcs; Factory Locks \$171.70 co; Fairbanks \$609.69 smcs; Falcon Technologies \$26.63 co; Farmers Union \$18.00 smcs; Fast Phil Plaza \$63.36 smcs; Fastenal \$1,179.07 smcs; Fedex \$90.28 smcs; Fiddelke Heating \$950.64 smcs; Fire Facilities \$2,139.01 co; Fleetpride \$1,402.38 smcs; Flesburg Holt & Ullevig \$600.00 smcs; Florida Micro \$765.30 co; Foote Convenience \$11.20 smcs; Forster,B \$64.19 smcs; Ft Ky Shooting \$6,500.00 smcs; Frontier \$8,641.28 smcs; Fyr-Tek \$96.54 smcs; Gale \$498.05 smcs; Galeton Gloves \$809.80 smcs; Gangwish Turf \$31.35 smcs; Garrett Tires & Treads \$5,741.59 smcs; GE Money Bank \$1,244.51 smcs; General Traffic Controls \$211.22 smcs; Gomez,J \$29.96 smcs; Gooch Brake & Equipment \$872.23 smcs; Graham Tire \$851.72 smcs; Graham,B \$74.99 smcs; Grainger \$1,354.10 smcs,co; Great Plains One Call \$622.30 smcs; Great Plains Safety \$150.00 smcs; Grey House Publishing \$206.05 smcs; H&H Distributing \$2,310.00 smcs; Hach Co \$38.50 smcs; HD Supply \$2,839.81 smcs; Heiman Fire Equipment \$25.00 smcs; Hines Products \$350.00 smcs; Hobby-Lobby \$396.19 smcs; Holiday Inn \$336.00 smcs; Holmes Plumbing \$1,218.61 smcs,co; HSBC Bank Nevada \$318.25 ps; Hyatt Hotels \$638.56 smcs; ICMA RC \$4,350.28 ps; Information Publications \$98.00 smcs; IRS \$112,883.78 ps; Iofastcom \$109.24 co; ITT Sanitare \$560.00 smcs; Jack Lederman \$570.06 smcs; JDL Lesco \$42.54 smcs; JLC \$106,200.00 co; K&K Parts \$906.89 smcs; KBKS Investments \$43.05 smcs; Ky Clinic \$752.00 smcs,ps; Ky Concrete \$20,245.87 smcs,co; Ky Crete & Block \$3,705.78 smcs,co; Ky Hub \$3,065.99 smcs,co; Ky Implement \$19,804.07 co; Ky Warehouse \$3,244.65 smcs; Ky Winlectric \$57.62 smcs; Ky Winnelson \$270.26 smcs,co; Ky Yamaha \$63.95 smcs; Kelly Electric \$82.50 smcs; KGFW-AM \$120.00 smcs; KHGI/KWNB-TV \$215.00 smcs; Killlion Motors \$512.59 smcs; Kindle-Denverpost \$5.99 smcs; Kindle-Wall Street Journal \$14.99 smcs; Kipp Brothers \$106.70 smcs; Kirkham Michael \$1,555.33 co; Kmart \$7.48 smcs; Konica Minolta \$228.19 smcs; Label Graphics \$308.36 smcs; Laser Art Design \$177.00 smcs; Lawson Products \$380.15 smcs; Lindner,S \$71.00 smcs; Linweld \$190.89 smcs; Lockmobile \$93.50 smcs; Locksearch \$1,676.00 smcs; Logan Contractors \$410.00 co; Lundeen Isaacson \$2,574.00 ps; Magic Cleaning \$5,560.00 smcs; Mail Express \$106.38 smcs,co; Marlatt Machine Shop \$1,174.26 smcs; Marlowe's \$44.00 smcs; Mascoelectric \$197.78 smcs; Maverick Books \$24.00 smcs; McLean Thermal \$469.94 smcs; McMaster-Carr \$395.53 smcs; Menards \$3,722.48 smcs,co; Metlife \$10.86 ps; Michael Todd \$182.24 smcs; Mid Amer Signal \$782.00 smcs; Midlands Contracting \$33.00 smcs; Mid-NE Garage Doors \$125.00 smcs; Mid-NE Aggregate \$1,239.78 co; Mid-Plains Equipment \$1,025.75 smcs; Midwest Breathing Air \$912.48 smcs; Midwest Machinery \$495.00 co; Midwest Pump \$2,392.44 smcs; Midwest Turf \$30,065.93 smcs,co; Miller & Associates \$58,692.86 smcs,co; Miller Signs \$810.00 smcs; Miracle Recreation \$802.38 smcs; Mirror Image \$100.00 ps; Mitchell 1 \$1,608.00 smcs; Moonlight Embroidery \$2,813.50 smcs; Motorola \$1,314.00 co; Mowrey,G \$100.00 smcs; Municipal Supply \$3,001.30 smcs; NAFI \$45.00 smcs; Napa All Makes Auto

\$1,214.75 smcs; NASC \$90.00 smcs; Nashville Wraps \$712.56 smcs; Natl Alliance for You \$120.00 smcs; NE Child Support \$2,608.67 ps; NE Dept of Aeronautics \$995.00 ds; NE Dept of Roads \$6,345.80 smcs,co; NE Golf Assn \$3,916.00 smcs; NE Library Commission \$3,041.70 smcs; NE Public Health \$2,535.00 smcs; NE Truck Center \$396.91 smcs; Neal,S \$42.57 smcs; NEland Distributors \$1,786.24 smcs; Network Solutions \$129.00 smcs; Newegg \$187.35 co; Newman Signs \$79.74 smcs; NMC \$234.73 smcs; Noller Electric \$2,585.98 co; North Central Labs \$123.66 smcs; Northgate Vet \$150.00 smcs; Northridge Senior Living \$1,257.00 smcs; Northwest Electric \$59.50 smcs; Northwestern Energy \$624.16 smcs; O'Connor Enterprises \$79.00 smcs; Office Depot \$206.84 smcs; Office Max \$1,468.51 smcs,co; Omark Safety \$151.44 smcs; O'Reilly Auto \$1,162.57 smcs; Oriental Trading \$859.15 smcs; Orscheln \$989.82 smcs,co; Oshkosh \$510.54 smcs; Outdoor Recreation \$311.00 smcs; Paramount Linen \$388.58 smcs; Paypal \$50.00 smcs; Pen Fire Engineering \$21.00 smcs; Pet Kingdom \$111.76 smcs; PGA Member Info \$912.00 smcs; Platte Valley Comm \$400.74 smcs; Platte Valley Labs \$553.50 smcs; Presto-X \$182.70 smcs; Provantage \$921.32 smcs,co; Quill \$703.72 smcs; Quizno's \$30.00 smcs; Random House \$180.96 smcs; Ready Mixed Concrete \$22,524.25 smcs,co; Reams \$2,972.85 smcs,co; Recognition Unlimited \$62.75 smcs; Recorded Books \$696.49 smcs; Refind \$50.00 smcs; Republican Valley Library \$20.00 smcs; Rick's Sod Farm \$670.50 co; Rivershore Reading Store \$562.00 smcs; RKI Instruments \$187.76 smcs; RNDC-Eagle Div \$317.06 smcs; RNDC-Falcon Div \$64.06 smcs; Roper's Radiator \$95.00 smcs; Sahling Kenworth \$367.98 smcs; Salem Press \$335.75 smcs; Sapp Brothers \$23,035.70 smcs; Sara Lee Bakery \$16.20 smcs; School Specialty \$82.38 smcs; Schwan's \$2,733.10 smcs; S-F Lab \$65.00 smcs; Shea,S \$95.00 smcs; Sign Center \$77.50 smcs; SMH SSI \$700.50 smcs; Snappy Popcorn \$263.00 smcs; SOS Portable Toilets \$100.00 smcs; Source Gas \$4,846.04 co; Stanley Security Solutions \$64.61 smcs; Steinbrink Landscaping \$1,474.99 smcs; Steinbrook,S \$1,487.50 smcs; Sterling Distributing \$201.00 smcs; Sunmart \$243.02 smcs; Superior Signals \$909.45 smcs; Suppershuttle \$38.00 smcs; Target \$166.98 smcs; TC G. Neil \$774.40 smcs; Temperature Products \$199.99 co; Theis,J \$120.00 smcs; Tielke Enterprise \$338.66 smcs; Tool Doctor \$26.00 smcs; Tractor Supply \$585.11 smcs; Trans Iowa Equipment \$378.61 smcs; Tri City Outdoor \$453.48 smcs; Tri-State Pump \$372.44 smcs; Turner Body Shop \$1,050.00 smcs; Tye & Rademacher \$11,234.37 smcs; Unique Management \$313.25 smcs; University of Missouri \$16,000.00 smcs; UPS Stores \$210.15 smcs; USDA \$85.00 smcs; USPS \$73.60 smcs; Van Diest Supply \$775.79 smcs; Van Wall \$115.67 smcs; Vessco \$287.33 smcs; Village Uniform \$285.00 smcs; Wal-mart \$2,886.06 smcs,co; Wausau Equipment \$256,960.00 co; West Payment Center \$1,454.43 smcs; Wiegand Security \$80.00 smcs; Wilke Donovans \$179.23 smcs; Wilkins Hinrichs Stober \$3,220.35 co; WPCI \$264.00 ps; Zimmerman Printers \$222.54 smcs; Payroll Ending 8-14-2010 -- \$354,576.24. 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 September 14, 2010 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Approve the Stock Purchase Agreement between the City of Kearney and Donaly Farms for the purchase of 116 acres on a tract of land described as all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th

P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., all in Buffalo County, Nebraska and approve **Resolution No. 2010-152.**

RESOLUTION NO. 2010-152

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 held a public hearing on August 24, 2010 and authorized the City Attorney and City Manager to complete negotiations for the purchase of 116 acres on a tract of land described as all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., all in Buffalo County, Nebraska (56th Street and Antelope Avenue); and

WHEREAS, the City of Kearney and Donaly Farms, Inc. desire to enter into a Stock Purchase Agreement showing the City's intent to purchase the property which is contingent upon the City receiving the full grant request and is also subject to FAA approval with regard to the transfer of the Airport property.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager is hereby authorized and directed to execute the Stock Purchase Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the Option Agreement between the City of Kearney and Donaly Farms for the purchase of 40 additional acres on a tract of land described as all that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., all in Buffalo County, Nebraska and approve **Resolution No. 2010-153.**

RESOLUTION NO. 2010-153

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 held a public hearing on August 24, 2010 and authorized the City Attorney and City Manager to complete negotiations for the possible purchase of an additional 40 acres on a tract of land described as all that part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying north of the north right-of-way line of the NRD Outfall Channel and excepting a tract deeded to N.P.P.D., all in Buffalo County, Nebraska; and

WHEREAS, the City of Kearney and Donaly Farms, Inc. desire to enter into an Option Agreement showing the City's intent to possibly purchase the additional property within a 5-year period which is contingent upon the closing of the purchase of the 116.1 acre parcel.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager is hereby authorized and directed to execute the Option Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve the final allocation of levy authority in the amount of \$147,900.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2010-2011 and the final allocation of levy authority in the amount of \$42,583.00 for Offstreet Parking District No. 1 for fiscal year 2010-2011 and approve **Resolution No. 2010-154**.

RESOLUTION NO. 2009-154

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 14, 2010, a preliminary request for levy allocation in the amount of \$147,900.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 7, 2010, a preliminary request for levy allocation in the amount of \$42,583.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$147,900.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2010 and a final allocation of levy authority of \$42,583.00 is hereby approved for Offstreet Parking District No. 1 for 2010.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2010.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the application to conduct a parade submitted by the Kearney Visitors Bureau and UNK’s Music Department for UNK Band Day to be held on September 18, 2010 beginning at 9:00 a.m. starting at Central Avenue and Railroad Street, north on Central Avenue to 27th Street, west on 27th Street and ending at the UNK Campus. Parking will be banned on Central Avenue from North Railroad Street to 25th Street beginning at 2:00 a.m. on the morning of September 18. The staging area to be closed beginning at 6:00 a.m. include Railroad Street from 4th Avenue to Avenue E, Avenue A from 21st Street to Railroad Street, and Avenues B, C and D from Railroad Street to 22nd Street, 3rd Avenue from Railroad Street to 22nd Street, and 1st Avenue from Railroad Street to 21st Street. This request will also allow for the selling of refreshments during the parade.

8. Approve the Agreement for Project No. RD-30-4(1043) between the City of Kearney and the Nebraska Department of Roads for improvements to East Highway 30 and approve **Resolution No. 2010-155**.

RESOLUTION NO. 2010-155

WHEREAS, the State of Nebraska desires to make improvements on a portion of Highway 30 within the corporate limits of the City of Kearney under a highway improvement project denoted as Project No. RD-30-4(1043); and

WHEREAS, this highway improvement project will also improve the municipal infrastructure at various locations within the project limits as shown in the Agreement; and

WHEREAS, the improvements to be completed within the municipal boundaries are adequately described in the Agreement; and

WHEREAS, the City of Kearney’s responsibilities under this Agreement are adequately described in the Agreement and are understood by the City of Kearney; and

WHEREAS, the City of Kearney concurs to enter into this Agreement with the State of Nebraska Department of Roads for said improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute this Agreement on behalf of the City of Kearney with the State of Nebraska Department of Roads for Project No. RD-30-4(1043). A copy of the Agreement, marked as Exhibit 1, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as the Project Administrator for management and

supervision services under an Economic Development Assistance Program for Xpanxion and approve **Resolution No. 2010-156.**

RESOLUTION NO. 2010-156

WHEREAS, the City of Kearney is preparing an application for a CDBG Economic Development Grant from the Nebraska Department of Economic Development (DED) in the amount of \$505,000 for working capital to assist in the relocation and expanding of offices for a local technology company; 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 program; Grant No. 10-ED-010; and

WHEREAS, City staff received one proposal 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 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 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Aaron Jameson, Joe "Shane" Johnston, Lonny Reeder, and Adam Van Cleave and approve **Resolution No. 2010-157.**

RESOLUTION NO. 2010-157

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that those persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer

Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

11. Approve Change Order No. 1 showing an increase in the amount of \$5,812.40 and Application and Certificate for Payment No. 4 in the amount of \$375,808.05 submitted by Blessing LLC and approved by Miller & Associates for the 2010 Part 1 Improvements consisting of Paving of 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street and approve **Resolution No. 2010-158.**

RESOLUTION NO. 2010-158

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 Change Order No. 1 showing an increase to the contract in the amount of \$5,812.40, 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. 4 in the amount of \$375,808.05, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,256,795.30
Change Order No. 1 (8-24-2010)	+ 5,812.40
Contract Sum To Date	<u>1,262,607.70</u>
Gross Amount Due	678,311.50
Retainage	67,831.15
Amount Due to Date	610,480.35
Less Previous Certificates for Payment	<u>234,672.30</u>
Current Payment Due	\$ 375,808.05

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1 as shown on Exhibit "A" and Application and Certificate for Payment No. 4, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 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. 5 in the amount of \$165,852.21 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. 2010-159.**

RESOLUTION NO. 2010-159

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. 5 in the amount of \$165,852.21, 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	2,147,074.00
Retainage	107,353.70
Amount Due to Date	2,039,720.30
Less Previous Certificates for Payment	<u>1,873,868.09</u>
Current Payment Due	\$ 165,852.21

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. 5, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Approve Application and Certificate for Payment No. 2 in the amount of \$253,332.34 submitted by Midlands Contracting and approved by Miller & Associates for the 2010 Part 2 Improvements – Bid A consisting of 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 and approve **Resolution No. 2010-160.**

RESOLUTION NO. 2010-160

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2010 Part 2 Improvements consisting of 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, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$253,332.34, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$515,988.00</u>
Contract Sum To Date	515,988.00
Gross Amount Due	310,490.96
Retainage	31,049.09
Amount Due to Date	279,441.87
Less Previous Certificates for Payment	<u>26,109.53</u>
Current Payment Due	<u>\$253,332.34</u>

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 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve Change Order No. 1 showing an increase in the amount of \$21,852.58, Application and Certificate for Payment No. 2-Final in the amount of \$70,704.33, and accept the Certificate of Substantial Completion submitted by Wilke Contracting, Inc. and approved by Miller & Associates for the 2009 Part 9 Improvements – 2nd Avenue Pedestrian Bridge and approve **Resolution No. 2010-161.**

RESOLUTION NO. 2010-161

WHEREAS, Wilke Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2009 Part 9 Improvements – 2nd Avenue Pedestrian Bridge, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract in the amount of \$21,852.58, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Wilke Contracting, Inc. and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$70,704.33, as shown on Exhibit "B" attached hereto and made a part hereof

by reference and as follows:

Original Contract Sum	\$170,700.50
Change Order No. 1 (8-24-2010)	<u>+ 21,852.58</u>
Contract Sum To Date	192,553.08
Gross Amount Due	192,553.08
Retainage	.00
Amount Due to Date	192,553.08
Less Previous Certificates for Payment	<u>121,848.75</u>
Current Payment Due	\$ 70,704.33

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 31, 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. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 2-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 24TH DAY OF AUGUST, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

15. Approve Application and Certificate for Payment No. 1 in the amount of \$40,422.60 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for the 2010 Part 3 Improvements – Bid B 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 and approve **Resolution No. 2010-162.**

RESOLUTION NO. 2010-162

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with the 2010 Part 3 Improvements – Bid B 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, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$40,422.60, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$233,059.00</u>
Contract Sum To Date	233,059.00
Gross Amount Due	44,914.00
Retainage	4,491.40
Amount Due to Date	40,422.60
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 40,422.60

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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

16. Approve Change Order No. 1 showing a decrease in the amount of \$4,940.00, Application and Certificate for Payment No. 1-Final in the amount of \$148,238.00, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2010 Part 3 Improvements – Bid A consisting of 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 approve **Resolution No. 2010-163.**

RESOLUTION NO. 2010-163

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2010 Part 3 Improvements – Bid A consisting of 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 the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract in the amount of \$4,940.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$148,238.00, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$153,178.00
Change Order No. 1 (8-24-2010)	<u>- 4,940.00</u>
Contract Sum To Date	148,238.00
Gross Amount Due	148,238.00
Retainage	.00
Amount Due to Date	148,238.00
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$148,238.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of July 31, 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. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 1-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. Approve the application for a Special Designated License submitted by Sports Fans, LLC, dba Fanatics in connection with their Class C-78257 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 11, 2010 from 3:00 p.m. until 1:00 a.m. for a reception.

18. Approve the application for a Special Designated License submitted by Chicken Bones of Kearney, Inc., dba Mid Towne Event Center in connection with their Class I-88719 liquor license to dispense beer, wine and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on September 25, 2010 from 11:00 a.m. until 1:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7608 – PAVING DISTRICT NO. 2010-944

With the absence of Council members Lammers and Lear, the ordinances were postponed.

Council Member Clouse moved and Council member Kearney seconded to postpone until September 14, 2010 Ordinance No. 7608 creating Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

ORDINANCE NO. 7609 – WATER DISTRICT NO. 2010-561

With the absence of Council members Lammers and Lear, the ordinances were postponed.

Council Member Clouse moved and Council member Kearney seconded to postpone until September 14, 2010 creating Water District No. 2010-561 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street

Place, 62nd Street Place and Spruce Hollow Boulevard. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

ORDINANCE NO. 7610 – SANITARY SEWER DISTRICT NO. 2010-501

With the absence of Council members Lammers and Lear, the ordinances were postponed.

Council Member Clouse moved and Council member Kearney seconded to postpone until September 14, 2010 Ordinance No. 7610 creating Sanitary Sewer District No. 2010-501 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

ORDINANCE NO. 7611 – SELL AIRPORT LAND TO DELUX MANUFACTURING

With the absence of Council members Lammers and Lear, the ordinances were postponed.

Council Member Clouse moved and Council member Kearney seconded to postpone until September 14, 2010 Ordinance No. 7611 selling a tract of land described as Lot 6 excepting the north 229 feet thereof, all of Lots 7 and 8, and Lot 9 excepting the north 229 feet thereof in the Airport Industrial Subdivision, Kearney Airfield in Buffalo County, Nebraska, situated in Sections 15, 16, 21, 22, 23, 26, 27, 28, 33 and 34 of Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (also known as 4650 Airport Road, Kearney, Nebraska) to Delux Mfg. Co., Inc. subject to approval by F.A.A. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

ORDINANCE NO. 7607A – AMEND ORDINANCE NO. 7607 ISSUING COMBINED UTILITIES REVENUE BONDS

With the absence of Council members Lammers and Lear, the ordinances were postponed.

Council Member Clouse moved and Council member Kearney seconded to postpone until September 14, 2010 Ordinance No. 7607A amending Ordinance No. 7607 to provide for an increase in the authorized drawable principal amount for the borrowing from the Nebraska Department of Environmental Quality for wastewater treatment works for the purpose of paying the costs of improvements to the City's Combined Utilities; authorizing the issuance of Combined Utilities Revenue Bonds in the increased drawable principal amount for wastewater treatment purposes of up to \$1,250,000; approving the execution and delivery of a revised separate Loan Contract for the sewer system; approving related documents with respect to said increased amount; confirming the terms of the original ordinance and specifically amending in whole each of Sections 1 and 3 of the original Ordinance; repealing original Sections 1 and 3 of Ordinance No.

7607. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

VI. REGULAR AGENDA

BUFFALO COUNTY ECONOMIC DEVELOPMENT COUNCIL; NON-PROFIT DEVELOPMENT ORGANIZATION

Mayor Clouse stated that Executive Director Darren Robinson requested to postpone the Interlocal Agreement between the City of Kearney and Buffalo County Economic Development for the operation of a Non-profit Development Organization.

Moved by Kearney seconded by Buschkoetter to postpone until September 14, 2010 the Interlocal Agreement between the City of Kearney and Buffalo County Economic Development for the operation of a Non-profit Development Organization. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Kearney. Nay: None. Lammers and Lear absent. Motion carried.

OPEN ACCOUNT CLAIMS: NPPD - \$91,094.30, PLATTE VALLEY STATE BANK - \$48,266.17, SCHOOL DISTRICT #7 - \$2,094.50

Mayor Clouse stated with the absence of Council Members Lammers and Lear, the Open Account Claims will need to be postponed. Moved by Buschkoetter seconded by Clouse to postpone until September 14, 2010 the Open Account Claims for Nebraska Public Power District, Platte Valley State Bank and School District #7. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

VII. REPORTS

UPDATE ON STREET PROJECTS

Director of Public Works Rod Wiederspan updated the Council on current street projects. They switched lanes to the north lane on 39th Street this week and the south lane is now open. 30th Avenue is complete from the bottom of the Overpass to 16th Street and 16th Street is complete down past the Buckle property. This week they will be pouring half of 30th Avenue down to the north edge of the intersection on 11th Street. Midlands Contracting is finishing up the storm sewer on 11th Street down to 30th Avenue and has built 90 percent of the inlet boxes. He thought that Blessing has started the dirt work on the east end of 11th Street and should pour the south half of the concrete on Wednesday. The north has not been done yet, the south is the first pour.

City Manager Michael Morgan stated the 25th Street (Loper) median project is fairly complete. They have gotten approval from the State to finish that with the tree planting. There is continued work on the pedestrian bridge and some of the aesthetic improvements that are in progress. The City did receive approval from the Corp of Engineers to move forward with some of the improvements the City wanted to do to expand that area a little bit. The maintenance facility for Yanney Park is getting close to

being finished. When that is completed, the parking area where the existing storage building is now located will be moved. That building will be relocated behind the Park & Rec Administration building to service the downtown location and for staff to use to do maintenance tasks is about 50-60 percent complete.

DESTINATION DOWNTOWN

Assistant to the City Manager Suzanne Brodine reported Thursday night, August 26th, will be Destination Downtown. It will be very exciting for the downtown to work with the University again on this project. They are anticipating between 4,000-5,500 students to come downtown for this event. The University is also having some events with celebrity judges for the eating contest. The Main Street program will kick off showing how the downtown was created, the projects the City has been doing in collaboration with the National Historical Preservation and the State Main Street office.

VIII. ADJOURN

Moved by Kearney seconded by Buschkoetter that Council adjourn at 7:36 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter. Nay: None. Lammers and Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**