

Kearney, Nebraska
September 14, 2010
7:00 p.m.

Prior to the regular Council meeting, the Council met as the Board of Directors for the Kearney Area Solid Waste Agency in open and public session at 7:00 p.m. on September 14, 2010 in the Council Chambers at City Hall. This meeting adjourned at 7:07 p.m. A meeting of the City Council of Kearney, Nebraska, was then convened in open and public session at 7:08 p.m. on September 14, 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, Bruce Lear, and Bob Lammers. Absent: Don Kearney. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant 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: Candy Kuntz, Paul Brungardt, Danny Starostka, Darren Robinson, Mike Nevriy, Brad Kernick, Grady Koch, Becky Crocker, Todd Schirmer, 3 UNK students, Steve Altmaier from KGFW Radio, Kevin Hervert from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION

Pastor Tim Peterson from Evangelical Free Church provided the Invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

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

Moved by Clouse seconded by Lammers to remove from the table Ordinance Nos. 7607A, 7608, 7609, 7610, 7611 which were postponed from the August 24, 2010 meeting. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

On July 27, the City Council authorized the issuance of the Series 2010 Combined Utilities Bonds in order to provide financing for the water and sanitary sewer improvements in Parkview Estates Fifth Addition. This project is eligible for financing by a Drinking Water State Revolving Fund loan (\$240,000) and a Clean Water State Revolving Fund loan (\$400,000) through the State of Nebraska Department of Environmental Quality. The attached ordinance will amend the ordinance authorizing the issuance of the Series 2010 Combined Utilities Bonds to also include financing for the sanitary sewer improvements in Spruce Hollow Estates Fourth and Fifth Addition. This project is also eligible for financing by a Clean Water State Revolving Fund loan in the amount of \$850,000.00.

The following loan conditions and terms will apply to the loans:

- The amount of the Drinking Water State Revolving Fund loan will be for \$240,000.
- The amount of the Clean Water State Revolving Fund loan will be for \$1,250,000.
- The term of the loans will be for 20 years.
- The interest rate on the loans will be 2% with an additional 1% administrative fee.
- The semi-annual payment on the loans will be \$45,378.84 plus 1% of the outstanding balance for the administration fee.

Council Member Lammers introduced Ordinance No. 7607A, being Subsection 1 of Agenda Item II 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, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was

interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7607A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7607A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7607A is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

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

Moved by Clouse seconded by Lammers to remove from the table Ordinance Nos. 7607A, 7608, 7609, 7610, 7611 which were postponed from the August 24, 2010 meeting. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

With regard to Ordinance Nos. 7608, 7609 and 7610, they pertain to the development of Spruce Hollow Estates Fifth Addition. At the June 8, 2010 City Council meeting the Council approved the Final Plat and Subdivision Agreement for Spruce Hollow Estates Fifth Addition. Kearney Public Schools has purchased Lot 1, Block One of Spruce Hollow Estates Fifth Addition for the location of a new elementary school to open in the fall of 2012.

Through the Subdivision Agreement the City agreed to create improvement districts and assess the assessable costs of the public improvements back to the property abutting the improvements. The Subdivision Agreement also outlined the cost share between the property owner and the City for infrastructure that is not typically assessed back to the property owners. The public infrastructure will also serve Spruce Hollow Estates Fourth Addition which is located just south of Spruce Hollow Estates Fifth along the east side of 11th Avenue and just north of 56th Street.

The developer is ready to proceed with the public improvements and City Administration is ready to create the districts for the construction of the public improvements. Section 16-619 and 16-667 of the Revised Statutes of Nebraska states that the Council must create the districts by ordinance. At that time the City must publish notice in a daily or weekly newspaper of general circulation in the City.

The City Utilities Department intends to obtain a State Revolving Loan to fund the sanitary sewer districts and to issue revenue bonds to finance the water districts. General obligation bonds will be issued to finance the paving of the streets and construction of the storm sewer.

Council Member Lammers introduced Ordinance No. 7608, being Subsection 2 of Agenda Item II 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, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7608 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7608 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7608 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

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

Moved by Clouse seconded by Lammers to remove from the table Ordinance Nos. 7607A, 7608, 7609, 7610, 7611 which were postponed from the August 24, 2010 meeting. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

With regard to Ordinance Nos. 7608, 7609 and 7610, they pertain to the development of Spruce Hollow Estates Fifth Addition. At the June 8, 2010 City Council meeting the Council approved the Final Plat and Subdivision Agreement for Spruce Hollow Estates Fifth Addition. Kearney Public Schools has purchased Lot 1, Block One of Spruce Hollow Estates Fifth Addition for the location of a new elementary school to open in the fall of 2012.

Through the Subdivision Agreement the City agreed to create improvement districts and assess the assessable costs of the public improvements back to the property abutting the improvements. The Subdivision Agreement also outlined the cost share between the property owner and the City for infrastructure that is not typically assessed back to the property owners. The public infrastructure will also serve Spruce Hollow Estates Fourth

Addition which is located just south of Spruce Hollow Estates Fifth along the east side of 11th Avenue and just north of 56th Street.

The developer is ready to proceed with the public improvements and City Administration is ready to create the districts for the construction of the public improvements. Section 16-619 and 16-667 of the Revised Statutes of Nebraska states that the Council must create the districts by ordinance. At that time the City must publish notice in a daily or weekly newspaper of general circulation in the City.

The City Utilities Department intends to obtain a State Revolving Loan to fund the sanitary sewer districts and to issue revenue bonds to finance the water districts. General obligation bonds will be issued to finance the paving of the streets and construction of the storm sewer.

Council Member Lammers introduced Ordinance No. 7609, being Subsection 3 of Agenda Item II 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, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7609 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7609 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7609 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

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

Moved by Clouse seconded by Lammers to remove from the table Ordinance Nos. 7607A, 7608, 7609, 7610, 7611 which were postponed from the August 24, 2010 meeting. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

With regard to Ordinance Nos. 7608, 7609 and 7610, they pertain to the development of Spruce Hollow Estates Fifth Addition. At the June 8, 2010 City Council meeting the Council approved the Final Plat and Subdivision Agreement for Spruce Hollow Estates Fifth Addition. Kearney Public Schools has purchased Lot 1, Block One of Spruce Hollow Estates Fifth Addition for the location of a new elementary school to open in the fall of 2012.

Through the Subdivision Agreement the City agreed to create improvement districts and assess the assessable costs of the public improvements back to the property abutting the improvements. The Subdivision Agreement also outlined the cost share between the property owner and the City for infrastructure that is not typically assessed back to the property owners. The public infrastructure will also serve Spruce Hollow Estates Fourth Addition which is located just south of Spruce Hollow Estates Fifth along the east side of 11th Avenue and just north of 56th Street.

The developer is ready to proceed with the public improvements and City Administration is ready to create the districts for the construction of the public improvements. Section 16-619 and 16-667 of the Revised Statutes of Nebraska states that the Council must create the districts by ordinance. At that time the City must publish notice in a daily or weekly newspaper of general circulation in the City.

The City Utilities Department intends to obtain a State Revolving Loan to fund the sanitary sewer districts and to issue revenue bonds to finance the water districts. General obligation bonds will be issued to finance the paving of the streets and construction of the storm sewer.

Council Member Lammers introduced Ordinance No. 7610, being Subsection 4 of Agenda Item II 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, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7610 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7610 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7610 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7611 – SELL AIRPORT LAND TO DELUX MANUFACTURING

Moved by Clouse seconded by Lammers to remove from the table Ordinance Nos. 7607A, 7608, 7609, 7610, 7611 which were postponed from the August 24, 2010 meeting. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

Delux Manufacturing has leased a manufacturing facility at the Kearney Regional Airport since 1966. The facility is approximately 28,000 square feet and is located on 7.09 acres. Due to the age and deteriorating condition of the facility, Delux would like to significantly renovate the building, as well as explore expansion options. Recently, they contacted the City regarding the potential purchase of the facility.

Based on their request, an appraisal was completed to determine fair market value. The appraisal indicates the value of the building and land is \$311,953. Staff recommended approval of the sale of the property for the following reasons:

- The building is in need of repair and the City does not have sufficient funds to complete.
- The buyer is committed to completing approximately \$300,000 in repairs.
- The property is not needed for any public purpose.
- There exists the potential for additional expansion of the business.
- The proposed price reflects fair market value.

The Council approved the Purchase Agreement on May 25, 2010 subject to approval by Federal Aviation Administration. The next step in the process is to pass an ordinance authorizing the sale of the property in question. The proceeds received on the sale of this property must be used for Airport purposes pursuant to F.A.A. regulations.

The Kearney Regional Airport will receive a gross payment of \$311,953 with reference to this property to be used for Airport purposes.

Council Member Lammers introduced Ordinance No. 7611, being Subsection 5 of Agenda Item II 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., and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one

responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7611 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7611 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7611 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.

BUFFALO COUNTY ECONOMIC DEVELOPMENT COUNCIL; NON-PROFIT DEVELOPMENT ORGANIZATION

Moved by Clouse seconded by Lammers to remove from the table the Interlocal Agreement between the City of Kearney and Buffalo County Economic Development Council for the operation of a Non-profit Development Organization which was postponed from the August 24, 2010 meeting. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

The Nebraska Department of Economic Development, through discussions on an economic development CDBG application in progress, has encouraged the Buffalo County Economic Development Council to submit an application to become a certified Non-profit Development Organization (NDO). As an NDO, the Development Council would have the authority to administer CDBG grant and loan awards as a subrecipient of the City of Kearney, and full authority to administer and grant reuse funds – in accordance with CDBG and HUD standards.

Currently, the City of Kearney applies for and administers CDBG economic development awards. Program income reuse funds are managed by the Development Council, but require a resolution from City Council to be loaned or granted. These reuse funds also maintain federal ties, restricting their use and obligating recipients to federal reporting requirements. As an NDO, loan payments back to the Development Council are not considered program income and lose their federal ties. The NDO may administer these funds through a revolving loan fund in adherence with a subrecipient agreement between the State, Development Council, City of Kearney, and the Grantee.

As a subrecipient, the Development Council is responsible for the repayment of any monies to the State of Nebraska, in accordance with CDBG standards. Each CDBG award applied for by the City of Kearney will require a separate subrecipient agreement between all parties.

Buffalo County Economic Development Executive Director Darren Robinson presented this matter to the Council. This agreement sets out the governance of how the Economic Development Council handles CDBG funds that have been requested through the City and approved by the State. Their organization has recently elected to become a Non-profit Development Organization (NDO) which is a designation through the State Economic Development Department. In the past when they were still federalized, monies coming back from the CDBG loans that have been repaid went to those reuse funds to be used again for an economic development activity; however, it had to go through all the federal requirements. The feds do not really want to go through all of that with those reuse funds so they created this system that allows Economic Development Councils to take those funds back in as repaid and de-federalize them. That is how it becomes governance between the City and the Economic Development Council to determine how to use those funds. This is not much different from what they have done in the past, but this agreement includes the language referencing the EDO as being a Non-profit Development Organization. This process was submitted to the State for interpretation and this is the State's approval of that agreement.

Moved by Buschkoetter seconded by Clouse to approve the Interlocal Agreement between the City of Kearney and Buffalo County Economic Development Council for the operation of a Non-profit Development Organization (NDO) and adopt **Resolution No. 2010-164**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-164

WHEREAS, the Nebraska Department of Economic Development has encouraged the Buffalo County Economic Development Council to submit an application to become a certified Non-profit Development Organization (NDO); and

WHEREAS, as a Non-profit Development Organization, the Development Council would have the authority to administer CDBG grant and loan awards as a subrecipient of the City of Kearney, and have full authority to administer and grant reuse funds, in accordance with CDBG and HUD standards; and

WHEREAS, the City of Kearney and Buffalo County Economic Development Corporation desire to enter into an Interlocal Agreement allowing the Development Council to operate as a Non-profit Development Organization.

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 the Interlocal Agreement between the City of Kearney and Buffalo County Economic Development Corporation defining the respective rights and responsibilities between the City of Kearney and Buffalo County Economic Development Council as it relates to a joint and cooperative action for distribution of Economic Development Loan and Income Reuse monies within the jurisdiction of the Buffalo County, Nebraska. A copy of the said Interlocal Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

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 Councilman Kearney tonight and the abstention of Councilmen Buschkoetter and Lammers, the Open Account Claim to School District #7 will remain on the table until September 28.

Moved by Clouse seconded by Lammers to remove from the table the Open Account Claims which were postponed from the August 24, 2010 meeting with the exception of the Open Account Claim to School District #7. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

Moved by Buschkoetter seconded by Lammers that Open Account Claim in the amount of \$48,266.17 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Clouse abstained. Kearney absent. Motion carried.

Moved by Clouse seconded by Lammers that Open Account Claim in the amount of \$91,094.30 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear abstained. Kearney absent. Motion carried.

III. PUBLIC HEARINGS

DEVELOPMENT PLAN APPROVAL FOR 6112 4TH AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Danny Starostka (Applicant and Owner) for Planned District Development Plan Approval for the construction of a duplex residential development on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 of Block 2, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska (6112 4th Avenue) and to consider Resolution No. 2010-165.

The applicant is requesting approval of Development Plans for four residential buildings located on the west side of 4th Avenue north of 60th Street. The property consists of 1.05 acres and is zoned C-2/PD, Community Commercial/Planned Development Overlay District. Residential land use is allowed in commercial zoning districts. There are two single family buildings and two duplex units clustered around a shared access drive. The single family dwellings are closer to the street while the duplex units sit behind to the west of the proposed houses. This development is adjacent to Spruce Hollow Estates. The first phase of construction is the two duplex town homes and phase two is the two single-family homes.

A complete plan package has been submitted including a Site Plan, Grading and Erosion Control Plan, Utilities Plan, Landscape Plan, 500-foot radius map, building elevations, and floor plans. Stormwater detention is provided in the northeast corner of the site. Each dwelling unit is separately connected to water and sewer. A 12 foot by 12 foot area is shown on the rear side of each unit that is not called out as to whether these

areas are intended to be patios or decks. There are no restrictions for patios; however, decks can only encroach into the rear setback a distance of ten feet. At the Planning Commission meeting the applicant stated that the 12 x 12 areas are intended to be concrete patios. If decks are substituted they will comply with code requirements.

The Planning Commissioners also raised some concerns about maintenance of the stormwater detention cell. The cell will be a slight depression incorporated into the open space of the grounds and will only hold water after a rain event. Otherwise, it will be mowed along with the rest of the grass areas. If the developer retains these units and rents them out he will be responsible for maintenance, or if the units are sold under condominium law, the condo fees will pay for maintenance service.

Paul Brungardt from Brungardt Engineering presented this matter to the Council. This is the development plan for Star-Homes duplex development on 4th Avenue north of 60th Street. Mr. Starostka proposed to put two duplexes on the west end of the property which would be accessed by a single drive off of 4th Avenue. Sanitary sewer, water and the utilities will be accessed off of 4th Avenue through an infrastructure agreement. Storm water will be extended up to the northeast corner of the property where a small detention cell will hold the water, discharge it under 4th Avenue and along the north side of the property to the east where there is another detention cell that is already designed to accommodate that storm water collection. There were some issues discussed at the Planning Commission which have all been resolved.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and approve the Application submitted by Danny Starostka (Applicant and Owner) for Planned District Development Plan Approval for the construction of a duplex residential development on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 of Block 2, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska (6112 4th Avenue) and adopt **Resolution No. 2010-165**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-165

WHEREAS, Danny Starostka (Applicant and Owner) has applied for Planned District Development Plan Approval for the construction of a duplex residential development on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 of Block 2, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska (6112 4th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Danny Starostka (Applicant and Owner) for Planned District Development Plan Approval for the construction of a duplex residential development on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 of Block 2, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska (6112 4th Avenue) be approved.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

WATER AND SANITARY SEWER EASEMENT IN STONERIDGE FOURTH ADDITION

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent Water and Sanitary Sewer Easement on a tract of land described as part of Lot 1, Stoneridge Fourth Addition to the City of Kearney, Buffalo County, Nebraska and to consider Resolution No. 2010-166.

Director of Utilities Kirk Stocker presented this matter to the Council. At the April 22, 2008 City Council meeting the Council approved a Developer Constructed Infrastructure Agreement with the owner of Lot 1, Stoneridge Fourth Addition. The agreement required the developer to construct water and sanitary sewer mains on the property to serve up to nine units that the developer was proposing to finish to the occupants specifications inside a shell building that he intended to build on the site. The agreement also required the developer to grant the City a water and sanitary sewer easement over the water and sanitary sewer mains that were constructed.

Since that time a new owner has acquired the property and intends to finish the building and close out the Developer Constructed Infrastructure Agreement. The owner has granted the City a Permanent Water and Sanitary Sewer Easement for the water and sanitary sewer located on the property. The Utilities Department intends to accept the water and sanitary sewer mains after the water main is approved by the Nebraska Department of Health.

Section 18-1775 of the Nebraska Revised Statutes 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.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and approve the proposed acquisition for a Permanent Water and Sanitary Sewer Easement on a tract of land described as part of Lot 1, Stoneridge Fourth Addition to the City of Kearney, Buffalo County, Nebraska and adopt **Resolution No. 2010-166**. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-166

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 permanent water and sanitary sewer easement and voted in favor to proceed with the acquisition; and

WHEREAS, Amicus LLC, a Nebraska Limited Liability Company has granted to the City of Kearney, Nebraska a Temporary and Permanent Sanitary Sewer Main Easement for the following tracts of land:

PERMANENT WATER EASEMENT

A tract of land 20 feet in width and being part of Lot 1, Stoneridge Fourth Addition an addition to the City of Kearney, Buffalo County, Nebraska and with the centerline of said easement being more particularly described as follows: Referring to the southwest corner of Lot 1, Stoneridge Fourth Addition; thence in an easterly direction and on the south line of said Lot 1 a distance of 30.0 feet to the point of beginning; thence deflecting left 90°00' parallel with and 30.0 feet easterly of the west line of said Lot 1 a distance of 83.3 feet to the point of termination, containing 1,666 square feet (0.038 acres) more or less, all in Buffalo County, Nebraska.

PERMANENT SANITARY SEWER EASEMENT

A tract of land 20 feet in width and being part of Lot 1, Stoneridge Fourth Addition an addition to the City of Kearney, Buffalo County, Nebraska and with the centerline of said easement being more particularly described as follows: Referring to the southeast corner of Lot 1, Stoneridge Fourth Addition; thence in a westerly direction and on the south line of said Lot 1 a distance of 22.08 feet to the point of beginning; thence deflecting right 91°59' and in a northeasterly direction a distance of 113.74 feet to a point 18.14 feet westerly of the east line of said Lot 1, as measured at right angles; thence deflecting left 91°51' a distance of 190.85 feet to a point; thence continuing on the afore described course a distance of 10.0 feet to the point of termination said point being 114.24 feet north and 31.0 feet east of the southwest corner of said Lot 1, containing 6,286 square feet (0.144 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 permanent water and sanitary sewer easement, marked as Exhibit "1" attached hereto and made a part hereof by reference, granted by Amicus LLC, a Nebraska Limited Liability Company to the City of Kearney, Nebraska, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

CDBG APPLICATION FOR XPANXION

Mayor Clouse opened the public hearing on an application to the Department of Economic Development for Community Development Block Grant funds to assist Xpanxion in expanding their existing operations to a new location in Kearney and to consider Resolution No. 2010-167.

Candy Kuntz from Miller & Associates presented this matter to the Council. The Economic Development 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 by offering forgivable

loans to attract new and expanding businesses. By submitting an application for funds for working capital, the City of Kearney agrees that:

- An existing business will expand with 24 additional jobs in Kearney within 24 months;
- 51% of jobs created through the expansion of this business will benefit low- and moderate-income persons.

Kearney will request \$505,000 to assist Xpanxion, an Atlanta based IT outsourcing company, in expanding their existing operations to a new location within the city limits of the City of Kearney. The expanded facility will employ Quality Assurance Analysts to perform manual and automated software testing. These IT positions will allow Kearney to retain recent University of Nebraska Kearney graduates and to employ and expand its local and regional technology base.

Xpanxion is looking to expand their existing operation into a different location within the City limits of Kearney. With this project, they will create a minimum of 24 jobs, 13 of those will be held by low/moderate income persons. The cash match that was stated in the Council memo needed to be clarified. The cash match for the Xpanxion group is \$721,000 rather than the amount stated in the Council memo. This will also be the first project that the City will use the (NDO) that was spoke about earlier in the meeting. She explained how the NDO works. Of the \$250,000 which would normally be paid back to the State of Nebraska, \$125,000 will be paid to the NDO to be used at their discretion to use for other projects in the future. The additional \$125,000 will be repaid to Invest Nebraska, which is an NDO for the Department of Economic Development. With this grant, they are applying for \$505,000, \$500,000 for a loan to Xpanxion to help with working capital, hiring and improvements. The remaining \$5,000 will be used for general administration.

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 to assist Xpanxion in expanding their existing operations to a new location in Kearney and adopt **Resolution No. 2010-167**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-167

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 \$505,000 for working capital to assist Xpanxion in expanding their existing operations to a new location in Kearney.

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 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

CDBG APPLICATION FOR ADDITIONAL 2009 COMMUNITY REVITALIZATION FUNDS

Mayor Clouse opened the public hearing on an application to the Department of Economic Development for Community Development Block Grant for 2009 community revitalization supplemental funds and to consider Resolution No. 2010-168.

Candy Kuntz from Miller & Associates presented this matter to the Council. The City of Kearney has been receiving funds through the Department of Economic Development for community revitalization projects. They have done three phases in southeast Kearney for paving of streets and sidewalks with ADA ramps. The next three phases of funding will be used on South Central Avenue. The Department of Economic Development has received an additional allocation for the City of Kearney and other communities that are receiving CR funds. At this time, there is an opportunity to apply for supplemental CR funds. These funds must be used within a 12-month timeframe, which is a pretty quick turnaround. She has worked with Suzanne Brodine, the Street Department and the City Manager to determine the area the funds are to be used for. The funds will be used in an area west to east from Avenue C to Avenue A and north to south from 31st Street to Railroad Street.

According to the Department of Economic Development, this is census tract that has a large population of low/moderate income individuals. The plan is to put sidewalks in where there are gaps and also put in ADA ramps where there are none at this time to improve that area for accessibility. The funding will be for one year and the approximate total for the project is \$141,000. \$10,000 will be used for general administration and the remaining amount will be used for the project. The City's matching funds is about \$66,000.

Council member Lammers asked if any of the existing old sidewalks that are in disrepair were going to be replaced. Ms. Kuntz responded the plan only includes gap paving where there are no sidewalks and new ADA ramps. A rough estimate is about 80 handicap ramps in that area and approximately 6,700 lineal feet of four foot sidewalk.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and approve the application to the Department of Economic Development for Community Development

Block Grant for 2009 community revitalization supplemental funds and adopt **Resolution No. 2010-168**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-168

WHEREAS, the Nebraska Department of Economic Development is offering an opportunity for Community Development Block Grant (CDBG) Community Revitalization (CR) grantee communities to submit an application to the Department for 2009 CDBG CR supplemental funds based on a reallocation of CDBG funds; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$141,427 for paving activities in the targeted area lying west to east from Avenue C to Avenue N and north to south from 31st Street to Railroad Street in Kearney.

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 community revitalization supplemental funds application.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

2010-2011 CITY OF KEARNEY BUDGET

Public Hearings 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Budget for the 2010-2011 Fiscal Year.

Director of Finance Wendell Wessels presented this matter to the Council. The total proposed budget for fiscal year 2011 Expenditures is \$56,605,000. The largest fund within that fund is the General Fund, \$16,418,000 which is down about \$78,000 from last year (about ½ %). The largest portion of that fund will go to supplies, materials and tactile services (34%), personnel costs (31%), capital (26%), debt service (10%). Budget expenditures allocated according to function of which the largest portion goes to culture and recreation (18%) which is primarily due to the Library construction project which includes several million dollars included in next year's budget to finish that. There is about 18% for public safety, police and fire and 13% for public works. There are five major capital outlay projects. Street Improvement Fund has \$1.8 million to put paving and storm sewer in Spruce Hollow Estates 5th Addition. In the Special Sales Tax Fund, there is \$2.5 million for the Library Expansion. In the Sanitary Sewer Retained Revenues Fund there is about \$1.3 million for sewer improvements in Spruce Hollow Estates 5th Addition. In the Water Department, there is about \$514,000 for water

improvements in Spruce Hollow Estates. \$880,000 is approximated to complete the terminal parking lot for the Airport Terminal.

On the personnel side of the budget, there is a zero cost of living adjustment. They have eliminated three full time positions and one part time position. On the Revenue side, they have included about \$62 million in revenues and about \$12 million is transfers between funds. The largest amount included in those revenues is \$17 million charges for services. The largest funds these monies are coming from is Charges for Services (31%) and 25% from taxes. The breakdown of the total revenues from taxes is sales tax 67%, property tax 17% and occupation tax 10%. Tax levies total valuation for 2011 increased about 3.85%. The levy will remain at 14.887¢ which will bring in about \$2,465,000 or about \$91,000 more than last year. That \$91,000 will come from growth in existing properties, \$34,000 growth from new construction and \$57,000 from annexation.

Mr. Wessels showed a chart comparing Kearney to other cities in Nebraska using the 2009 property taxes since the 2010 figures are unknown for other cities. In Kearney (2009) if you owned a \$100,000, you would have paid \$149.00 to the City of Kearney, for Hastings residents \$473.00, Grand Island \$273.00, North Platte \$480.00. All of these have tax levies higher than Kearney residents.

There is a spending lid that restricts from revenues which are more than 2½ percent each year plus an additional one percent if it is approved by the City Council. The calculations for this year would allow Kearney to increase those restricted funds to about \$381,000. The amount of increase to those funds is \$252,000; approximately \$129,000 is added to the ongoing budget authority total of \$2.5 million. The other lid that Kearney has is the amount it can levy on property taxes which is 45¢ and Kearney is currently at 15 cents.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt the City of Kearney Budget for the 2010-2011 Fiscal Year. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

OFF STREET PARKING DISTRICT NO. 1 2010-2011 BUDGET

Public Hearings 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2010-2011 Fiscal Year.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt the City of Kearney Offstreet Parking District No. 1 Budget for the 2010-2011 Fiscal Year. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

2010 PROPERTY TAX LEVY

Mayor Clouse opened the public hearing for setting the 2010 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and to consider Resolution No. 2010-169.

Director of Finance Wendell Wessels presented this matter to the Council. Section 77-1601.02 of the Nebraska Revised Statutes requires political subdivisions of the State of Nebraska to conduct a Special Public Hearing to set the 2010 property tax request if the request is going to be different than the 2009 property tax request. The same statutes include a provision stating that the property tax request for 2009 will be the property tax request for 2010 unless the political subdivision passes by a majority vote a resolution setting the property tax request at a different amount.

Resolution No. 2010-169 sets the property tax request for 2010. The 2010-2011 City of Kearney Budget includes a property tax requirement of \$2,074,472.33 for the General Fund, and a property tax requirement of \$391,398.23 for the Public Safety Tax Anticipation Bond Fund. The 2010 property tax requirements are different than the 2009 property tax requirements; therefore, a Special Public Hearing is required to set the 2010 property tax requirement.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and approve setting the 2010 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and adopt **Resolution No. 2010-169**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2009-169

WHEREAS, Section 77-1601.02 of the Nebraska Revised Statutes authorizes the City Council to set the 2009 property tax request for the City of Kearney; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that a 2010 property tax request be set for the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes, an All-Purpose Tax Request of \$2,074,472.33 is set for the fiscal year beginning the 1st day of October, 2010 and ending on the 30th day of September, 2011 for the purpose of equipping, maintaining and paying the departments of the City of Kearney.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Section 77-1601.02 of the Nebraska Revised Statutes, a Special Tax Request of \$391,398.23 is set for the fiscal year beginning the 1st day of October, 2010 and ending the 30th day of September 2011 for the purpose of paying off bonds authorized by Section 18-1202 of the Nebraska Revised Statutes.

BE IT FURTHER RESOLVED that the City Clerk is hereby ordered to certify said request to the Buffalo County Clerk in order that the same may be placed on the property tax rolls and be collected in the manner provided by law.

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 October 1, 2010.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Lammers that Subsections 1 through 22 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

1. Approve Minutes of Regular Meeting held August 24, 2010.

2. Approve the following Claims:

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

Ace Hardware \$235.39 smcs,co; Advanced Auto Parts \$44.98 smcs; Aflac \$2,927.12 ps; Airgas North Central \$43.16 smcs; Alamar Uniforms \$1,447.39 smcs; Al-Jon Manufacturing \$3,493.79 smcs; Allied Electronics \$97.99 smcs; Allied Hand Dryer \$185.40 co; Almquist,R \$160.00 smcs; Amax Contracting \$24.00 co; Amazon \$307.70 smcs,co; Amer Electric \$1,571.51 smcs; Amer Legion \$58.92 smcs; Amer Library Assn \$230.00 smcs; Amer Red Cross \$5.00 smcs; Andersen Wrecking \$48.15 smcs; Anderson Bros \$1,845.00 smcs; Apple Books \$14.99 smcs; Apple Market \$28.13 smcs; Applebees \$20.00 smcs; Ask Supply \$2,865.91 smcs,co; Aten Plumbing \$63.91 smcs; Audio Go \$333.80 smcs; Aurora Coop \$81.60 smcs; B&S Concrete \$10,701.00 co; B2B Computer Products \$1,585.00 co; Baker & Taylor Books \$7,378.09 smcs; Barco Municipal Products \$6,996.00 smcs; Baxter,M \$26.75 smcs; BBW Environmental \$200.00 smcs; Beacon Athletics \$603.75 smcs; Bennett,T \$890.25 smcs; Bert Gurney & Associates \$616.00 smcs; Best Buy \$210.99 smcs; Best Western \$327.60 smcs; Big Apple Fun Center \$20.00 smcs; Blackstone Audiobooks \$51.50 smcs; Blessing Construction \$377,356.37 smcs,co; Bluecross Blueshield \$81,882.47 smcs; Bobs Super Store \$2.95 smcs; Book Page \$432.00 smcs; Bound Tree Medical \$90.43 smcs; Bradshaw,M \$18.58 smcs; Brewsky's Haymarket \$10.68 smcs; Buffalo Co Court \$1,080.69 ps; Buffalo Co Treasurer \$18,750.00 smcs; Buffalo Outdoor Power \$863.37 smcs; Buffalo Surveying \$357.10 smcs; Buggy Bath Car Wash \$9.00 smcs; Builders Warehouse \$3,195.30 smcs,co; Buzz's Marine Supply \$960.00 co; Cabela's \$64.18 smcs; Camera Doctors \$132.00 smcs; Carquest \$2,405.69 smcs; Casey's General

Stores \$186.83 smcs; Cash-Wa \$872.07 smcs,co; CBDcom \$171.67 smcs; Center Point Large Print \$166.53 smcs; Central Comm College \$875.00 smcs; Central Hydraulic Systems \$642.30 smcs; Central NE Bobcat \$156.21 smcs; Certified Power \$2,718.28 smcs; Charter \$508.96 smcs; Chief Industries \$50,489.10 co; Circuit Solutions \$130.00 smcs; City Glass \$132.17 smcs; City of Ky \$219,121.54 ps,co; City of Ky \$750.90 smcs; Cold Spring Granite \$1,060.00 smcs; College Savings Plan of NE \$400.00 ps; Computer Hardware \$159.00 smcs; Concrete Workers \$2,878.00 co; Conseco Life Ins \$24.00 ps; Construction Rental \$2,412.97 smcs,co; Copycat Printing \$400.00 smcs; Credit Management Service \$989.10 smcs,ps; Crossroads Ford \$683.79 smcs; Crushers \$14,151.87 co; Cummins Central Power \$260.40 smcs; Custom Plastic Card \$311.00 smcs; CVI Kearney \$1,353.67 smcs; D&S Lighting \$109.08 smcs; Dan Roeder Concrete \$40,422.60 co; Dawson Co PPD \$1,606.50 smcs; Dell \$395.37 smcs,co; Dent Popper \$500.00 smcs; Deterdings \$594.36 smcs; Development Council \$8,337.50 smcs; Diamond Vogel Paint \$229.62 smcs; Dish Network \$50.63 smcs; Dmilaco \$609.12 smcs; Dog Poop Bags \$296.00 smcs; DPC Industries \$18,077.68 smcs; Dutton-Lainson \$353.74 smcs,co; DXPE \$23.91 smcs; Eakes \$2,546.80 smcs,co; Earl May \$88.47 smcs; Eckhoff Construction \$1,189.68 smcs; Education Specialty \$495.00 smcs; Eileen's Cookies \$93.75 smcs; Eirich,D \$114.00 smcs; Eirich,T \$50.00 smcs; Eisinger-Smith \$1,764.42 smcs; Elvis and the Superstars \$475.00 smcs; Emergency Services \$13.61 smcs; Fairbanks \$365.25 smcs; Farmers Union \$44.00 smcs; Fast Mart \$88.58 smcs; Fastenal \$596.71 smcs; Fiddelke Heating \$239.85 smcs; Fireguard \$1,283.82 smcs; Florida Micro \$1,147.80 co; Frontier \$8,622.05 smcs; Gale \$615.58 smcs; Galls \$112.99 smcs; Gander Mountain Direct \$1,161.22 co; Garret Tires \$5,866.51 smcs; GD Construction \$4,250.00 co; GE Money Bank \$2,504.34 smcs; General Traffic Controls \$6,255.43 co; George,M \$38.03 smcs; Georgia Fountain Supply \$418.00 smcs; Gibbs,L \$14.00 smcs; Google \$19.70 smcs; Gough,P \$120.00 smcs; Graham Tire \$451.80 smcs; Grainger \$824.32 smcs; Grand West \$727.30 smcs; Great Plains Asbestos \$6,250.00 smcs; Great Plains One Call \$503.13 smcs; Grey House Publishing \$412.10 smcs; H&H Distributing \$1,440.26 smcs; Harley Davidson \$56.88 smcs; Hastings \$12.71 smcs; HD Supply \$12,127.20 smcs; Heggemeyer,L \$53.50 smcs; Higginson Book \$93.15 smcs; Hisey,T \$15.19 smcs; Hobby-Lobby \$121.46 smcs; Hoffman,D \$6.09 smcs; Holiday Inn Express \$78.40 smcs; Holmes Plumbing \$380.61 smcs,co; Hometown Leasing \$444.91 smcs,co; Hooker Bros \$453.60 smcs; Horner,L \$29.07 smcs; Hotsy Equipment \$636.90 smcs; HP Home Store \$164.70 smcs; HSBC Bank Nevada \$636.50 ps; HTE VAR \$11,215.00 smcs; HWS Consulting \$1,532.72 co; IBM \$10,696.45 smcs; ICMA RC \$8,689.30 ps; IMLA \$625.00 smcs; Industrial Fabrics \$1,348.71 smcs; Industrial Sales \$2,478.14 co; IRS \$215,439.12 ps; Investment Property \$1,250.00 smcs; Isaac,B \$1,413.40 ps; ITT Sanitare \$1,600.00 smcs; Jack Lederman \$161.43 smcs; Jack's Uniforms \$4,099.66 smcs; JDL Lesco \$847.18 smcs; Johnson Hardware \$60.00 co; Johnson,A \$4.04 smcs; Johnstone Supply \$419.77 smcs; K&K Parts \$589.05 smcs; Ky Cinema 8 \$20.00 smcs; Ky Concrete \$11,223.82 smcs,co; Ky Crete & Block \$540.66 smcs,co; Ky Glass \$38.40 co; Ky Hub \$820.75 smcs; Ky Humane Society \$6,788.00 smcs; Ky Implement \$1,847.78 smcs,co; Ky Noon Rotary \$200.00 smcs; Ky Towing \$150.00 smcs; Ky United Way \$626.50 ps; Ky Visitors Bureau \$43,371.82 smcs; Ky Vol Fire Ladies \$74.47 smcs; Ky Volunteer Fire \$66.28 smcs; Ky Warehouse \$3,446.80 smcs; Ky Winlectric \$235.21 smcs; Ky Yamaha \$476.90 smcs; Kehl Tree Service \$1,735.00 smcs,co; Kelly Supply \$211.24 smcs; KGFV-AM \$150.00 smcs; Kindle \$20.98 smcs; Knox Co \$228.26 co; Konica Minolta \$785.43 smcs; Landmark Audiobooks \$10.00 smcs; Lawson Products

\$367.80 smcs; League of NE Municipalities \$2,750.00 smcs; Lifeguard Store \$65.80 smcs; Linweld \$127.94 smcs; Little Caesars \$328.00 smcs; Logan Contractors \$18,546.00 smcs,co; Lovell,M \$9.78 smcs; Magic Cleaning \$1,400.00 smcs; Mail Express \$855.92 smcs,co; Maine Industrial \$297.00 smcs; Manning,B \$8.59 smcs; Marlatt Machine Shop \$264.92 smcs; Martin,A \$35.00 smcs; McClemens,K \$75.00 smcs; Medicap Pharmacy \$40.00 smcs; Mellen & Associates \$1,464.09 smcs; Menards \$2,204.24 smcs,co; Metlife \$6,348.13 ps; Mid America Signal \$1,960.00 smcs; Mid-Amer Courtworks \$15,180.00 smcs; Mid-Iowa Solid Waste \$1,352.22 smcs,co; Midlands Contracting \$567,422.55 co; Mid-NE Garage Doors \$125.00 smcs; Mid-State Units \$270.00 smcs; Midwest Turf \$1,117.10 smcs; Miller & Associates \$33,248.05 smcs,co; Miller Signs \$1,035.00 smcs,co; Mine Safety Appliance \$2,549.20 smcs; Misko Sports \$11.98 smcs; MONA \$25.00 smcs; Moonlight Embroidery \$1,369.00 smcs; Morgan,M \$27.60 smcs; Mostek Electric \$1,240.83 co; Municipal Supply \$2,252.97 smcs; Napa All Makes \$2,346.77 smcs; Nathan Detroit's \$31.49 smcs; Natl Arbor Day Found \$35.00 smcs; NCS Equipment \$598.35 smcs,co; NDEQ-Fiscal Services \$7,500.00 smcs; NE All Battery \$69.99 smcs; NE Child Support \$5,063.65 ps; NE Dept of Ag \$141.24 smcs; NE Dept of Revenue \$82,536.39 smcs,ps; NE Environmental Products \$11,270.44 co; NE Life Magazine \$17.00 smcs; NE Peterbilt \$96.12 smcs; NE Public Health \$2,265.00 smcs; NE State Treasurer \$395.00 smcs; NE Truck Center \$420.56 smcs; NEland Distributors \$1,298.73 smcs; Neopost \$6,000.00 smcs; Newegg \$336.55 smcs; Newman Signs \$678.43 smcs; NMC \$147.66 smcs; Northern Safety \$45.06 smcs; Northgate Veterinary \$104.00 smcs; Northwest Electric \$1,344.46 smcs; Northwestern Energy \$2,303.08 smcs; Nova Fitness Equipment \$4,744.00 ps; Office Depot \$84.14 smcs; Office Max \$841.79 smcs,co; Officenet \$2,315.88 smcs,co; O'Keefe Elevator \$549.13 smcs; Olive Software \$9,200.00 smcs; O'Neill Wood Resources \$8,302.50 smcs; O'Reilly Auto \$1,338.97 smcs; Orscheln \$687.56 smcs,co; Oxford University Press \$53.50 smcs; Panowicz,K \$18.00 ps; Paramount Linen \$301.96 smcs; Party America \$11.99 smcs; Payflex Systems \$531.25 smcs,ps; Paypal \$1,005.01 smcs,co; Pitney Bowes \$65.48 smcs; Pizza Hut \$20.00 smcs; Platte Valley Comm \$16,533.08 smcs; Power & Telephone Supply \$745.00 smcs; Presser,M \$100.00 smcs; Prestige Flag \$366.90 smcs; Presto-X \$183.75 smcs; Prince Sports \$231.95 smcs; Protex Central \$96.00 smcs; Pro-Tint \$159.00 smcs; Provantage \$2,756.31 smcs,co; Quick Return Tags \$37.95 smcs; Quill \$92.68 smcs; Quintana,A \$50.12 smcs; Random House \$304.92 smcs; Ready Mixed Concrete \$27,132.89 smcs,co; Reams \$2,347.51 smcs,co; Recognition Unlimited \$184.40 smcs; Recorded Books \$7,192.83 smcs; Reineke,B \$60.00 smcs; Reinke's Heating \$161.75 smcs; Relax the Back \$57.95 smcs; Rick's Sod Farm \$1,163.25 smcs; Riddle,M \$64.26 smcs; Ritzen,R \$698.00 smcs; Riverside Mfg \$2,007.16 ps; Rixstine Recognition \$391.43 smcs; RNDC-Falcon Division \$53.39 smcs; Roberts,K \$10.49 smcs; Roper's Radiator \$1,360.00 smcs; Russell's Appliance \$1,129.00 smcs,co; Sahling Kenworth \$258.66 smcs; Sam's Club Direct \$378.66 smcs; Sapp Bros \$44,743.03 smcs; Sara Lee Bakery \$29.50 smcs; Schaub,M \$31.00 smcs; Schwan's \$2,714.81 smcs; Sentelle,J \$7.66 smcs; Sherwin Williams \$238.64 smcs,co; Shop EZ \$16.70 smcs; Sign Center \$2,004.75 smcs,co; Sirsi Dynix \$1,429.50 smcs; Snap-On Tools \$45.25 smcs; Snappy Popcorn \$283.00 smcs; Sole,M \$29.71 smcs; Solid Waste Agency \$49,082.03 smcs; STAN \$60.00 smcs; State Electric \$190.99 smcs; St Fire Marshal Training \$350.00 smcs; St of NE/AS Central \$4,069.84 smcs; Steinbrink's Landscaping \$915.22 smcs; Sterling Distributing \$315.12 smcs; Suburban Fire Protection \$8,010.00 smcs; Sun Life Financial \$39,159.24 smcs; Sunmart \$209.76 smcs; Superior Signals \$341.00 smcs;

Sydow,J \$40.00 smcs; Target \$65.77 smcs; Teledyne \$555.00 smcs; Theis,J \$90.00 smcs; Thirsty's \$40.74 smcs; Thompson,J \$60.00 smcs; Tilley Sprinklers \$4,020.00 co; Tractor Supply \$3,981.21 smcs; Trans Iowa Equipment \$982.42 smcs; Travis Anderson Construction \$16,616.00 co; Tri City Outdoor Power \$844.13 smcs; TruGreen ChemLawn \$190.00 smcs; Turfwerks \$207.00 smcs; Tye & Rademacher \$10,960.69 smcs; Underground Construction \$5,353.62 co; Unique Management \$286.40 smcs; United Seeds \$783.00 smcs; UPS Store \$65.75 smcs,co; Upstart \$48.05 smcs; US Postal Service \$750.00 smcs; USA Blue Book \$1,112.50 smcs; USPS \$62.51 smcs; Valvtect \$3,346.20 smcs; Verizon Wireless \$1,183.43 smcs; Village Uniform \$390.09 smcs; Walker Process Equipment \$1,660.87 smcs; Wal-mart \$2,253.19 smcs,co; Walton,T \$120.00 smcs; Wastecorp Pumps \$291.62 smcs; Watchguard Video \$225.75 co; Wells Fargo Bank \$77,729.00 smcs; Wessels,W \$30.50 smcs; West Central NE HBA \$335.00 smcs; West Publishing \$1,974.06 smcs; West Villa Animal Hospital \$35.62 co; Wiederspan,R \$187.50 smcs; Wiegand Security \$80.00 smcs; Wilke Contracting \$70,704.33 co; Wilke Donovan's \$577.18 smcs,co; Wilkins Hinrichs Stober \$8,722.18 co; Wooden,T \$1,572.27 smcs; Yanda's Music \$1,655.00 smcs; Zurich \$1,886.00 smcs; Payroll Ending 8-28-2010 -- \$331,087.60. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

- 3.** Approve the Memorandum of Understanding between the City of Kearney, the Nebraska Department of Economic Development, the Buffalo County Economic Development Council and Xpanxion for job creation and loan repayment and adopt **Resolution No. 2010-170.**

RESOLUTION NO. 2010-170

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Memorandum of Understanding between the City of Kearney, the Nebraska Department of Economic Development, the Buffalo County Economic Development Council and Xpanxion for job creation and loan repayment with regard to the terms and conditions of the CDBG Economic Development Grant. A copy of the Memorandum of Understanding, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 4.** Approve Subrecipient Agreement for Administration of Non-Profit Development Organization funds between the City of Kearney and the Buffalo County Economic Development Council for CDBG Project No. 10-ED-001 (Xpanxion) and adopt **Resolution No. 2010-171.**

RESOLUTION NO. 2010-171

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Subrecipient

Agreement for Administration of Non-Profit Development Organization Funds between the City of Kearney and the Buffalo County Economic Development Council for CDBG Project No. 10-ED-001 (Xpanxion). A copy of the said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. 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 economic development data center and adopt **Resolution No. 2010-172**.

RESOLUTION NO. 2010-172

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 \$680,000 to assist in purchasing a site for technology and data center businesses; 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-004; 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. 10-ED-004, 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 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt **Resolution No. 2010-173** allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$108,835.26 which will be carried over to the 2010-2011 Budget as "Unused Budget Authority".

RESOLUTION NO. 2010-173

WHEREAS, on April 2, 1998 the Nebraska Legislature passed and approved LB 989 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Section 13-519.03 of the Nebraska Revised Statutes, as amended, allows governmental units to exceed the two and one half percent limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that the City of Kearney exceed the limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by an additional one percent as allowed pursuant to Section 13-519.03 of the Nebraska Revised Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that the City of Kearney exceeds the limit as provided in Section 13-519.03 of the Nebraska Revised Statutes, as amended, by an additional one percent.

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

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

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the recommendation submitted by the Keno Committee on the allocation on non-departmental keno funds designed for outside agencies.

8. Adopt the 2010-2011 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2010-2011 year and adopt **Resolution No. 2010-174.**

RESOLUTION NO. 2010-174

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2009-2010 fiscal year was adopted by Resolution No. 2009-141 on September 8, 2009 by the City Council; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2010-2011 fiscal year; and

WHEREAS, it is recommended that such Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of October 1, 2010.

BE IT FURTHER RESOLVED that Resolution No. 2009-141 be and is hereby repealed in its entirety effective September 30, 2010.

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 25, 2010 from 6:00 p.m. until 1:00 a.m. for a dance.

10. 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 Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on September 25, 2010 from 3:00 p.m. until 1:00 a.m. for a reception.

11. Approve the application to conduct a parade submitted by UNK's Music Department for UNK Band Day to be held on October 2, 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 October 2. The staging area to be closed beginning at 6:00 a.m. include Railroad Street from 5th Avenue to Avenue E, 4th Avenue from Railroad Street to 22nd Street, 3rd Avenue from Railroad Street to 22nd Street, 21st Street from 3rd Avenue to 5th Avenue, 20th Street from 3rd Avenue to 5th Avenue, and Avenues B, C, D and E from Railroad Street to 22nd Street. This request will also allow for the selling of refreshments during the parade.

12. Approve the Interlocal Agreement for Cooperative Public Safety Services with the counties of Adams, Buffalo, Chase, Clay, Custer, Dawson, Dundy, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hays, Hitchcock, Kearney, Lincoln, Nuckolls, Phelps, Perkins, Red Willow, Sherman and Webster and the cities and villages within said counties to provide interoperable communications for the purposes of mutual aid and adopt **Resolution No. 2010-175**.

RESOLUTION NO. 2010-175

WHEREAS, the counties of Adams, Buffalo, Chase, Clay, Custer, Dawson, Dundy, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hays, Hitchcock, Kearney, Lincoln, Nuckolls, Phelps, Perkins, Red Willow, Sherman and Webster and the cities and villages are desirous in entering into an agreement for the purpose of providing interoperable communications for the purposes of mutual aid.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Interlocal Agreement for Cooperative Public Safety Services provides for communications in the event that mutual aid is required by some type of emergency of the participating agencies be and is hereby approved. A copy of said Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Approve the application for a Special Designated License submitted by Chicken Bones of Kearney, Inc., dba Chicken Coop Sports Bar & Grill in connection with their Class I-54354 liquor license to dispense beer in an outdoor area measuring 200 feet by 300 feet and enclosed by cattle panels located at the Buffalo County Fairgrounds, 3807 Avenue N on October 3, 2010 (alternate date is October 10, 2010) from 12:00 p.m. until 12:00 a.m. for a demolition derby.

14. Approve Change Order No. 3 showing an increase in the amount of \$6,565.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project and adopt **Resolution No. 2010-176.**

RESOLUTION NO. 2010-176

WHEREAS, JLC, Inc. of York, Nebraska has performed services in connection with the Kearney Public Library Addition & Renovation Project, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$6,565.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$4,548,220.00
Change Order No. 1 (12-22-2009)	- 75,500.00
Change Order No. 2 (7-13-2010)	+ 2,128.00
Change Order No. 3 (9-14-2010)	<u>+ 6,565.00</u>
Contract Sum to Date	\$4,481,413.00

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

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Approve the recommendation from the City Manager on the appointment of Kent Swanson to serve as a member on the Examining Board for Plumbers and adopt **Resolution No. 2010-177.**

RESOLUTION NO. 2010-177

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

WHEREAS, a vacancy exists on the Examining Board for Plumbers.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Kent Swanson, as proposed by the City Manager of the City of Kearney, Nebraska, is hereby appointed to the Examining Board for Plumbers effective immediately.

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

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Approve the application for a Special Designated License submitted by the World Theatre Foundation located at 2318 Central Avenue to dispense beer, wine and distilled spirits on September 17, 2010 from 8:00 p.m. until 1:00 a.m. for a reception.

17. Approve the request submitted C.L.A.S.S. Act and the Kearney Public Schools Foundation to temporarily block off eight parking stalls located in the northwest corner of the parking lot located north of the Museum of Nebraska Art from 5:00 p.m. until 9:30 p.m. on December 1, 2, 7, 8, 9, 14, 15, 16, 2010 for the *Polar Express* fundraiser.

18. Approve the application for a Special Designated License submitted by Make-A-Wish Foundation to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on October 9, 2010 from 11:00 a.m. until 1:00 a.m. for a fund raiser.

19. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Great Platte River Archway Monument, 3060 1st Street on October 6, 2010 from 6:00 p.m. until 9:00 p.m. for a reception.

20. Approve the application for a Special Designated License submitted by Karen Martin, dba The Sandbar in connection with their Class CK-85038 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on September 18, 2010 from 5:00 p.m. until 1:00 a.m. for a reception.

21. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits inside an outdoor tent area and beer garden located in the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue, on October 2, 2010 from 2:00 p.m. until 10:00 p.m.

for a fund raiser.

22. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on October 9, 2010 from 4:00 p.m. until 1:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7612 – ADOPT 2010-2011 BUDGET (PERTAINS TO PUBLIC HEARING 5)

Council Member Lammers introduced Ordinance No. 7612, being Subsection 1 of Agenda Item V adopting the 2010-2011 City of Kearney Budget Statement to be termed the Annual Appropriation Bill and to appropriate sums for necessary expenses and liabilities, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7612 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7612 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7612 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7613 – REPEAL ORDINANCE NO. 7543 AND ADOPT SALARY ORDINANCE

Ordinance No. 7613 is required pursuant to Section 16-502 of the Nebraska Revised Statutes, as amended, which mandates that the governing bodies of First Class Cities specifically appropriate all personnel expenditures in ordinance form. This ordinance will repeal Ordinance No. 7543 (2009-2010 Annual Personnel Ordinance); classifying the officers and employees of the City; fixing the ranges of compensation of such officers and employees; establishing the hours and work period for overtime eligibility; providing

for payments of clothing and/or uniform allowances; providing for the payments of vehicle allowances; and provide for the payment of cell phone allowances.

Ordinance No. 7613 includes all the job classifications, pay grades and ranges of compensation that are included in the City of Kearney 2010-2011 Pay Policy. Additionally, various employee benefits as discussed above have been included in the ordinance. Passage of the Personnel Ordinance is done on an annual basis in conjunction with the budget process.

Council Member Lammers introduced Ordinance No. 7613, being Subsection 2 of Agenda Item V repealing Ordinance No. 7543 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7613 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7613 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7613 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7614 – AMEND CHAPTER 3; DISBANDING THE ADVISORY BOARD OF CABLE COMMISSIONERS

The City of Kearney has regulated cable television since as early as 1987. On October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which, among other things, provided that the basic service tier rates, and the changes for related equipment, installation and services of a cable television system shall be subject to regulation by a franchising authority in accordance with regulations prescribed by the Federal Communications Commission. On April 1, 1993 the FCC prescribed such rate regulations that took effect on September 1, 1993.

At that time, the City of Kearney was considered a franchising authority with the legal authority to adopt, had the personnel to administer, regulations with the respect to the basic service rates and charges of any cable television system operating in the City. And in November of 1993, the City Council adopted a resolution stating the City will accept the rules promulgated by the FCC to regulate the cost for basic cable services. The City could not regulate the expanded cable service.

The City wanted to afford the citizens the opportunity to provide input on different issues. In July of 1994 the City created a formal cable commission that consisted of seven members who lived within the City, or the two mile jurisdiction, being served by a cable franchise granted by the City. They would meet to provide information in an advisory capacity to the Council on service levels as well as the franchise.

The cable franchise agreement was to expire on September 10, 1997. In early 1996, the City hired a consultant for the renewal process and began negotiating with the cable company under the provisions of the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992 and the newly enacted Telecommunications Act of 1996.

The City in August 1997 adopted an ordinance to allow the then current franchise agreement to be extended under the provisions of the Acts listed above. It was determined at that time that what channels the cable operator provided or what they charged is no longer in the realm of what a city franchise agreement can cover.

Over the past several years, there have been efforts on the federal level to limit local control of cable franchising and a municipality's ability to affect the terms of cable television franchise agreements are very limited. At the present time, the City has chosen to maintain its current franchise agreement so as not to diminish or dilute the services that are required of the cable provider. Local municipalities do not have the ability to control what the cable company charges for their services nor does a municipality have the ability to determine what channels the cable company will or will not provide. Since the City has limited control over the regulation of the cable company, City staff is recommending disbanding the Advisory Board of Cable Commissioners.

Council Member Lammers introduced Ordinance No. 7614, being Subsection 3 of Agenda Item V amending Division II "Advisory Board of Cable Commissioners" of Article 16 "General Provisions" of Chapter 3 "Business Regulations" of the Kearney City Code by deleting in their entirety the following sections: Section 3-1657 "Advisory Board of Cable Commissioners; Defined", Section 3-1658 "Created", Section 3-1659 "Composition", Section 3-1660 "Appointment", Section 3-1661 "Terms", Section 3-1662 "Filling Vacancies", Section 3-1663 "Ex-Officio Members", Section 3-1664 "Election of Chairperson", Section 3-1665 "Quorum", Section 3-1666 "Meetings; Records", Section 3-1667 "Duties Generally", Section 3-1668 "Rules and Regulations", and Section 3-1669 "Penalty", and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was

interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7614 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7614 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7614 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7615 – AMEND CHAPTER 43, EFFECTIVE DATE FOR FIS AND FIRM

The United States Department of Homeland Security's Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Rate Map (FIRM) for all of Buffalo County, the City of Kearney and the City's 2-mile extra-territorial limits. In order to be in compliance with the FEMA requirements the effective date of the new FIRM must be included in the City's local ordinance. In accordance with direction from FEMA, the Development Services Department will recognize the Preliminary FIRM when regulating development in a defined Flood Plain. A copy of the Preliminary FIRM is on file in the Development Services Office.

There will be no undo increase in costs associated with the implementation of the new Flood Insurance Rate Map (FIRM). In fact the identified flood areas on the new FIRM have been reduced as a result of substantial improvements made to existing flood way courses. The reductions in the flood boundaries greatly increase the potential for development and use of private lands.

Council Member Lammers introduced Ordinance No. 7615, being Subsection 4 of Agenda Item V amending Section 43-102 "Floodplain and Floodway overlay Districts; Findings of Fact" of Chapter 43 "District FP-FW, Floodplain and Floodway Overlay District" of the Kearney City Code to recognize the effective date of the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) as November 26, 2010, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. 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. 7615 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7615 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7615 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

KEARNEY RACEWAY PARK REQUEST FOR FUNDING

Mayor Clouse opened for discussion the request to partially fund the paving of the entrance road at Kearney Raceway Park in the amount of \$10,000.00.

Staff recently received correspondence requesting funding for improvements at Kearney Raceway Park. The request was for funding the paving of the current gravel entrance into the Park. The estimated cost of the project is \$70,000. As you may be aware, Buffalo County will be paving this fall Imperial Road, from Highway 30 to the entrance of the Kearney Raceway Park.

The raceway currently leases the property from the City of Kearney and in addition adjacent property is also leased by the City for farming. The gravel entrance is used by farmers for accessing their fields, transporting machinery and hauling crops.

The City has provided funding for projects for similar groups as listed below:

- Fort Kearney Shooting Sports Association - \$50,000
- Nebraska Firefighters Museum - \$250,000
- World Theater - \$25,000
- Children's Museum - \$75,000

The City created a fund entitled "Special Sales Tax – Capital Improvements/Equipment Fund" to place the proceeds of the ½¢ sales tax. Because the Kearney Raceway park is a valuable asset to the community and funding the paving improvements also benefits the City of Kearney, City staff is suggesting \$10,000 go towards the paving of the entrance road at Kearney Raceway Park.

Grady Koch from Kearney Raceway Park presented this matter to the Council. He is the head of sponsorship and marketing of Kearney Raceway and part owner of the track. He emphasized that Kearney Raceway is the only drag race facility in the State of Nebraska; the others have all closed. They have an opportunity because the City and Buffalo County have been behind them for the past several years which has made a

difference. There has been talk of another drag strip in the tri-city area actually being built. It is their philosophy that the better they build this facility with better roads and better equipment, the less likely another facility will be built.

The Kearney Raceway is a NRHR track which is the biggest division of drag racing. Their goal is to have a divisional race located here because we are right in the center of the division. He believed that if they "get their ducks in a row" with paving to their facility, they will then have to expand their pit area because a division race will bring in an estimated 500 to 700 race cars. The racing surface was resurfaced in 2000 and is as nice as any in the United States. With their timing system as is, all they have to do is complete the small things such as the roads and expanding their pit area. This has been his goal from the beginning and they are getting closer to it. No doubt a division race would be well attended. It has been a slow but gratifying process.

Blessing Construction got the bid for the approximately ½ mile of road that was put in by Buffalo County. What the raceway is asking for is a road basically from their gate to their ticket booth. They would like to get all cars coming in from the back and connect with their staging lane. Where the semis come out, that road is required to be built twice as deep and 20 foot wide due to the weight of the vehicles coming in and out. Until right before this Council meeting, Mr. Koch had been under the assumption that they were on a tight time schedule. He was relieved to find out that was not the case. Blessing will be moving on to another project and could possibly complete this road in late fall or early next spring.

Council member Buschkoetter stated he knows when racing is in town, there are a lot of trailers in town and people stopping to eat late at night. The raceway provides a good benefit to the community, but would like to have further discussion although he is receptive to their needs. He believed that a meeting in a different venue would be the place to determine a definitive amount. This is a chance to have something unique in Kearney and keep it in the state.

The Economic Development Council recognized that all of their races are two day races so people stay overnight in the community. He also thanked Brad Kernick for Cruise Nite because they work hand in hand with that event. They offer something to Cruise Nite that no other town in the State of Nebraska offers. It is a good combination.

City Manager Michael Morgan stated that the dollar amount was a number they plugged in to get it on this agenda. The dollar amount is left to the Council's discretion as to what level of funding they want to provide. The Council had previous been provided with comparable types of development. This is a little unusual in the sense the farmland that is used as the main entrance (although there are other points they could use) is leased by the Airport. The City has a long term lease with the raceway, which was intentionally set below market rate for the benefit of economic development. He was not suggesting making any changes. Based on the direction from the Council, staff can go back and provide more information on where the funds would come from and what the amount could be.

Mr. Koch stated the total for the first phase is \$62,500. The owners of this track have reinvested all the monies they have made on this track. They will secure a loan for the

balance above what the City can provide to them.

Moved by Clouse seconded by Lammers to postpone the request to partially fund the paving of the entrance to Kearney Raceway Park until a more definitive amount can be established. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

LOTTERY OPERATION AT FANATICS

Mayor Clouse opened for discussion the request submitted by Kearney Gaming, LLC to provide keno-type lottery operation at Fanatics located at 2021 Central Avenue and to consider Resolution No. 2010-178.

On August 14, 2001, the City Council approved a Lottery Operator Agreement with Kearney Gaming, LLC, with an effective date of October 1, 2001. Kearney Gaming, LLC currently operates keno-type lottery games at the Big Apple Fun Center, the Chicken Coop Sports Bar & Grill, the Dome Lounge, and Jersey's Sports Bar & Grill on behalf of the City of Kearney. Kearney Gaming, LLC has requested to operate an additional keno-type lottery at Fanatics located at 2021 Central Avenue. Section 4.A. of the Agreement requires the Operator to receive approval from the City Council prior to operating from any location within the City of Kearney.

Michael Nevriy from Kearney Gaming presented this matter to the Council. He was asking for approval for Fanatics to be a new sales outlet for keno. Kearney Gaming has been running the lottery in Kearney since 2001. They have been fortunate to have four locations: Chicken Coop, The Big Apple Fun Center, Dome Lounge and Jersey's Sports Bar and Grill. They looked extensively for other locations; they believed that Fanatics would be a good place because it would not compete with the customers from any of the other locations. Since they started, they have seen increases of each by 5.13 percent each year until 2009. In 2009, they saw a pretty dramatic economic decline and that coupled with the 2009 Smoking Ban hurt these types of establishments for a period of time. He was happy to report that the decrease in Kearney was less than they saw statewide. The first half of 2010, they have seen an increase over the previous year. They hope the addition of Fanatics will allow them more proceeds. He believed it was phenomenal since keno has been in Kearney; the City has been able to utilize over \$6 million in community betterment projects within the community.

Moved by Lammers seconded by Lear to approve the request submitted by Kearney Gaming, LLC to provide keno-type lottery operation at Fanatics located at 2021 Central Avenue and approve **Resolution No. 2010-178**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-178

WHEREAS, the City of Kearney entered into a Lottery Operator Agreement on August 14, 2001 with Kearney Gaming, LLC to operate a keno-type lottery on behalf of the City; and

WHEREAS, Section 4.A. LOTTERY FACILITIES of the Lottery Operator Agreement requires Kearney Gaming, LLC to receive approval of the City Council prior to operating a keno-type lottery from any location within the City of Kearney: and

WHEREAS, Kearney gaming, LLC has requested that 2021 Central Avenue, Kearney Nebraska (Fanatics) be approved as a location to operate a keno-type lottery on behalf of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that 2021 Central Avenue, Kearney Nebraska (Fanatics) is hereby approved as a location for Kearney Gaming, LLC to operate a keno-type lottery on behalf of the City of Kearney.

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

PASSED AND APPROVED THIS 14TH DAY OF SEPTEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS: NPPD - \$94,698.93, STAN CLOUSE - \$217.20, PLATTE VALLEY STATE BANK - \$95,892.05, SCHOOL DISTRICT #7 - \$4,608.50

Mayor Clouse stated with the absence of Councilman Kearney and the abstention of Councilmen Buschkoetter and Lammers, the claim to School District #7 will not be voted on tonight.

Moved by Lear seconded by Buschkoetter that Open Account Claims in the amount of \$217.20 payable to Stan Clouse and in the amount of \$94,698.93 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Clouse abstained. Kearney absent. Motion carried.

Moved by Buschkoetter seconded by Clouse that Open Account Claim in the amount of \$95,892.05 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers. Nay: None. Lear abstained. Kearney absent. Motion carried.

VII. REPORTS

THE BUCKLE

City Manager Michael Morgan stated that City staff toured The Buckle warehouse which will be opening in a few weeks and is a state of the art facility. Looking back on that project and the amount of effort and cooperation involved, it took federal, state, local and county funding that involved millions of dollars. He expressed his appreciation to Suzanne Brodine who did a lot of the work on the Grant and kept the project on track and to Miller & Associates that also did an outstanding job. The community will be very impressed when they see the facility. Kearney is also very fortunate that The Buckle chose to stay here. He also expressed appreciation to the State Department of Economic Development and their part in the process. Sometimes, they hear comments about how other cities do economic development, but he believed that we have the best

example in this project of how it works in Kearney.

11TH STREET UPDATE

City Manager Michael Morgan updated the Council on the 11th Street Project. He stated that opening 11th Street will increase the flow of traffic dramatically.

BUDGET

Council Member Lammers thanked the employees of the City of Kearney for not taking a cost of living raise this year. He believed that was a significant sacrifice on their part. He also thanked the City Manager and staff for keeping property taxes low for the citizens of Kearney and getting the budget balanced. It took a tremendous effort and time by Finance Director Wendell Wessels and staff for which he was very appreciative.

CITY/COUNTY PROJECTS

Council Member Lammers also thanked the County for all their cooperation in all the projects that have been completed or in progress. Kearney is very blessed to work as partners with the County in what is getting done. The 56th Project is completed all the way out to Cherry Avenue with paving. The paving on 11th Street will also be done by the County. It is a significant cooperation that the City and County have and that cooperation does not always happen with other cities and counties.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 8:07 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

ATTEST:

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

MICHAELLE E. TREMBLY
CITY CLERK