

Kearney, Nebraska
February 22, 2011
7:00 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on February 22, 2011, in the Council Chambers at City Hall. Present were: Randy Buschkoetter, Vice-President of the Council; Michaelle Trembly, City Clerk; Council Members Don Kearney, Bruce Lear, and Bob Lammers. Mayor Stanley A. Clouse: None. 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; Dan Lynch, Chief of Police; and Julie Steffensmeier, Executive Assistant were also present. Some of the citizens present in the audience included: Bruce Lefler, Candy Kuntz, Charlie Pickens, Dave Klone, Bill McMullen, Bob Harpst, Kristen Larsen, Janis Polk, Jera Hinkle, Amber Watson, Tera Kanuth, several citizens in support of the inclusive playground, 10 UNK students, citizens in support of the Veterans Memorial, Steve Altmaier from KGFW Radio, Kevin Hervert from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

½¢ SALES TAX CAPITAL IMPROVEMENT PLAN

Vice-President Buschkoetter opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska.

City Manager Michael Morgan presented this matter to the Council. The citizens of Kearney approved a ½ cent sales tax on November 15, 2005 for the purpose of funding capital improvement projects and equipment. Resolution No. 2006-76, approved by the City Council on May 23, 2006, requires the City Council to conduct a public hearing each February on the Sales Tax Capital Improvement Plan to receive input from the public, and to prioritize and allocate the special sales tax funds. The City has created a fund entitled "Special Sales Tax – Capital Improvements/Equipment Fund" to place the proceeds of the ½¢ sales tax. The ½¢ sales tax collected will be used specifically for funding capital improvements/equipment.

City Manager Mike Morgan stated with the adoption of the ½ sales tax 5 years ago, there were a few things that City government committed to do. One of these was that each February, the Council would hold a public hearing to discuss prioritization and allocation of funds which is being done at this meeting. Other hearings will be held depending on need throughout the year. All of the projects have been listed on the City webpage and in the Kearney Hub to give more information. The City newsletter, "The Kearney Connection" details projects that have been done. They have always encouraged citizens to submit capital improvement suggestions through our website and other resources. They have always made sure that the debt service has been limited as much as possible on all the sales tax projects. These are items the Council has agreed to do and he felt they had adhered to those guidelines. With the 5 year passage, they felt it would be appropriate to go back out and do listening sessions, which they also did a few years ago. They have had 40 listening sessions, over 900 citizens have attended those meetings (not counting this meeting). They have put together a very long list of considerations which will be brought back in future Council meeting. This meeting is another public hearing opportunity to hear more.

Bob Harpst, 912 11th Avenue, spoke on behalf of the American Legion Post #52 that has set up a Veterans Memorial Committee in Kearney consisting of Tom Smith, Rachel Wice, Dale Simpson and himself. As a caveat to this presentation, they emphasized that this project is in the infant stages. Any locations or suggested designs are strictly concepts with the understanding that if this concept develops, it would be coordinated and approved through City officials and any appropriate boards. They understand this is a big project and in reality is a 3-5 year project. This project is on the current extensive list of possibilities for the ½ cent sales tax. The committee's intention is to present this to the Council and citizens at this meeting to foster more support for this proposal. The monetary scope of the project is large and to bring it to completion, the City's sales tax

is almost essential.

Their vision for this memorial would provide the Kearney area with a fitting Veterans memorial which not only memorializes all conflict from the inception of the City of Kearney, but also provides an educational and historical perspective of each branch of service in each conflict. They suggested that Yanney Park would be the ideal location if that were agreeable to the City and the Yanney Park Board. They have several funding sources, the City sales tax, funds raised by Veteran service organizations, civic organizations and private donations. They would also try to get some grants and revenues from the sale of bricks that would line the walkway of the memorial for families who have service members they want to commemorate. If the City approves it, they would like to incorporate some existing memorials at Apollo Park and MONA into this memorial. They would also leave space for future expansion.

They presented a conceptual plan they had drawn up for review. Vice-President Buschkoetter stated that at this time, the Council would be interested in the plan conceptual plan not necessarily the nut and bolts of the matter. The more detailed plans were provided for each Council member to review at a later time.

Because most of them on the committee are veterans themselves, they believe the service and contributions of the local veterans in protecting and maintaining our nation are worthy of memorializing in the grandest scale. They need an initial influx of \$50,000 to set up a non-profit organization to get designs drawn up and architects hired. They anticipate needing \$100,000 each year for two years thereafter. Any funds that they raise, they will match or exceed what the City puts into the project.

Kristin Larsen, 4115 Bel Air Drive, represented the Arc of Buffalo County which is a non-profit agency that advocates for the rights of people with developmental disabilities and their families. She is currently the Co-Executive Director. She and many of the community members and families have had a vision of an all inclusive playground in Kearney. She provided a handout for the Council to review about their vision. The Arc has a federal grant and this is the third year they have been working under it that promotes inclusive recreation in Kearney. They partner with Kearney Park & Rec Department, Family YMCA, the Buffalo County 4-H at the Extension Office, the Girl Scouts and Boy Scouts of American for this inclusive recreation. They have been meeting for the last couple of years to come up with a plan for children and adults to access all recreational programs and help train volunteers. As part of that process, they sent leaders to each of those agencies to get some training in San Antonio, Texas in 2009. At that training, they specifically attended sessions on building an inclusive playground because they knew there was interest in the community.

Jera Hinkle had been meeting with parents and with Cynthia Archwamity from the Arc since 2003. They are pleased to see that progress has been made since that 2003 meeting when they came to the Council to talk about accessibility. With the ½ cent sales tax, the City built the Harmon Park Activity Center which they use on a regular basis. They use the playground at Harmon Park. They have seen more and more children with disabilities accessing City day camps at the Parks & Recreation Department. They believe the ideal location for this inclusive playground would be at Harmon Park.

An inclusive playground is not just one that is wheelchair accessible. Inclusion means meeting the needs of all abilities and all ages so the design is not specially for wheelchairs. It should be designed so that grandparents can get on there with their grandchildren and parents with baby strollers. Children who do not have disabilities can also play on this equipment not only the ones who do. There are key elements they have been researched and included in the plan. The Kearney Inclusive Committee has been meeting since September of 2010. They visited some inclusive playgrounds in North Platte. North Platte had some schools with funding which they used to build four inclusive playgrounds. As a result of visiting these, the committee came up with a wish list that included items they would like to see that would meet the needs of the whole child. Since their training in San Antonio, they have been working with a Game Time representative. They realized in going through the process that if the City helps they will have to go out for bids. The reason they chose Game Time is their company has researched data that backs up their design concepts. They did seek some matching funds from this vendor and have been granted up to \$75,000 in matching grant funds for the actual equipment. Currently, the estimated cost is \$385,000. The nearest inclusive is in North Platte and the next one is in Omaha. Kearney is on the map nationally because we are doing fabulous things here for inclusion. She also presented the Council with a letter of support from Good Samaritan Hospital.

Janis Polk, 1714 9th Avenue, she grew up near Harmon Park and she did not remember seeing children with disabilities playing on that playground. She is now a parent of a child with disabilities. He is 21 years old and has Cerebral Palsy and seizures. They found out about an all inclusive playground one time when they went to the Mayo Clinic for her son's brain surgery. She had never seen him so happy there, as well as his younger brother because he had never sat in a swing before. Kearney has an excellent medical community and she believed that with amenities like this one, it will attract even more people to come to this community.

Jera Hinkle, 3927 Avenue M, stated she is actually representing several areas. She is a registered nurse and has worked in the community in many settings for many years. Her background is typically long-term care. When they talk about supports that make transfers easier, the handrails, the hard surfacing, she knows how difficult it is to get adults out into the community with walkers, wheelchairs and scooters without these things. She also came to this meeting as a parent. She and her husband have three children; the youngest is going to be 14 next month who has disabilities. In 2003, she and Cynthia Archwamity first approached the Kiwanis and the Park and Rec Board in regard to some accessibility things. At that time, she was talking sidewalks, curb cuts and parking issues. There have been lots of nice changes made in the handicapped accessibility in this community over the years. With ADA compliance, there are a lot more to be made. In 2003, she had no idea how big their vision could be. The inclusive playground is an awesome opportunity for grandparents to get out with their grandkids and others with disabilities to be there with their families doing things in the community.

She also works with the "Early Development Network" which is program that her employer, Good Samaritan Hospital, provides which coordinates services for children from 1-3 years old. This particular program has allowed her as a parent and a professional to work with countless numbers of families in the 9-county area here in central Nebraska. They started with 50-60 a month and now the average is 160 a

month. When you look at the design for this playground, she agreed it is a lot of money but our community wants to set a gold standard and build something that will be there for many years to come. Her son has been part of the Kearney programs like top soccer and challenger baseball. She knows there are families that drive over 60 miles to participate in these programs. In these economic times, a park is a place everyone can afford to share.

Charlie Pickens, 3310 10th Avenue, stated that he is representing the three clubs of Kiwanis for this project. The location that he and the group envisions for the inclusive playground is to be immediately west of the sonatorium at Harmon Park. It would be located immediately south of the Baldwin's playground. It will fit without transferring any land from the school back to the City between the southern boundary of the park and northern boundary of Park Elementary. The reason he likes that location is there is room on the existing concrete along the edge to park 3-4 cars that would be handicap accessible. With the circle drive, people could even park parallel on the circle drive if necessary. There could be a sidewalk on that circle drive that would follow up to that parking. People would be able to get to the playground on a concrete surface.

The estimated cost of the equipment is \$300,000 and of that half of that cost is the surfacing. The easiest way to do this is to ask the City to do the surfacing. All three local Kiwanis Clubs have pledged money and they will approach other service groups in town to pledge, they also have two foundations in Kiwanis International that they can write grants to, they certainly will not hesitate to write grants to Baldwin, Eaton and other businesses and the Arc also has access to grants. They have held off writing the grants until they know if they are partnering with the City. Arc set up a concept picture of this playground at the annual Kiwanis Pancake Feed and Cynthia was there to answer questions and they raised \$50 without trying. He envisioned a 50/50 proposition with the City. From a bidding point of view, they have set up an account with the Community Foundation and are asking that all the money and all grants money go into the foundation and the bills would be paid out through them. If the City provides the surfacing, then it could go out for bid and Arc could get the equipment. They realize there is a project going on at Park School this summer where they are adding a wing from the east side of their building to the north. They have visited with the school system and their addition will not interfere with this plan. They would like to do the groundbreaking for their project in March or April of 2012 and get the equipment ordered.

Tera Kanuth, 6004 Avenue L Place, stated she is the new Executive Director of the Kearney Children's Museum. They had submitted a proposal for a grant of \$50,000 to start moving their exhibits outdoors in a pavilion and enhancing their water zone area that they currently have with some interactive hands on water exhibits. Since opening in their new location in May, the Children's Museum has proven to be very successful. They have had over 31,000 people through their doors in the past six months. They continue to partner with Arc and doing some camps for Kearney Public Schools. They want to increase their ability to have an outdoor location for families to have lunches if they want to come and spend the whole day at the museum. The water table they have is frequently used and they would like to build on that and have it become a scientific experience for the children.

Vice-President Buschkoetter stated that this is the last listening session in a sense and no definitive decision was scheduled for this meeting or will be made here. The information will be compiled and brought forward at a future meeting.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing on the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

ONE & SIX YEAR STREET IMPROVEMENT PLAN

Vice-President Buschkoetter opened the public hearing on the One & Six Year Street Improvement Plan and to consider Resolution No. 2011-13.

The Department of Roads, and each county and municipality must develop and file with the Board of Public Roads Classifications and Standards a long-range, six-year plan of highway, road and street improvements based on priority of needs and calculated to contribute to the orderly development of an integrated statewide system of highways, roads, and streets. In accordance with Section 39-2119 of the Nebraska Revised Statutes, the City of Kearney is required to submit to the Nebraska Department of Roads (NDOR) a One and Six Year Plan for street improvements prior to March 1 of each year. City Council has received the proposed plan and, in accordance with the law, must conduct a public hearing for soliciting input from the Council and citizens.

City Engineer Bruce Grupe presented this matter to the Council. A month ago the One and Six Year Street Improvement Plan was presented to the Council. The only changes made since that time, is the addition of the two blocks of Central Avenue south of the railroad tracks to the one year plan with some current use of the grant funds. The South Central Avenue curb and gutter was on the Six Year plan and has now been placed on the One Year. City Manager Michael Morgan stated the Capital Improvement Program would be presented to the Council which will have more detail and show which items are funded to get a better picture of what is going to be done.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and approve the One & Six Year Street Improvement Plan and adopt **Resolution No. 2011-13**. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2011-13

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 7:00 p.m. on February 22, 2011, in the Kearney City Council Chambers that the One Year City Street

Plan for fiscal year ending September 30, 2012 and the Six Year City Street Plan ending September 30, 2017, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

CDBG – DOWNTOWN REVITALIZATION PLANNING GRANT

Vice-President Buschkoetter opened the public hearing on the application to the Nebraska Department of Economic Development for the Downtown Revitalization Planning Grant and to consider Resolution No. 2011-14.

Description of Funding – The Downtown Revitalization program is a funding category within the Community Development Block Grant program funded and developed by the Nebraska Department of Economic Development (NDED). This grant is available for local governments to plan for and finance redevelopment in traditional downtown districts. The program is split into two phases: planning and construction/implementation. This application is for planning funds only at this time.

Funding – The City of Kearney is requesting \$30,000 for Phase I Planning downtown revitalization activities. The City is required to provide a cash match of \$9,300. Staff will submit a request to apply for Phase II of the project, construction, upon successful completion of Phase I. Maximum funding request for Phase II is \$350,000, with a cash match of \$117,000.

Proposed Project – A streetscape project was conducted in Downtown Kearney in 1981-1984. This included lighting, in-ground planters and sidewalk improvements. Since then the lighting, in particular, has aged considerably. The specific lights purchased for the Downtown are no longer manufactured, making replacement parts expensive and time consuming for staff to machine. Discussion with the Downtown Improvement Board and Main Street Kearney over a two year period has indicated a strong desire for a lighting project. The City Council has set aside \$50,000 per year, over four years, to fund a capital improvement project in the Downtown district. The Downtown Improvement Board recommends using these funds as the cash match for this grant project.

Candy Kuntz with Miller & Associates presented this matter to the Council. Once the plan is submitted then they can apply for construction funds or whatever is decided to do with Phase II of that money for next year. The City of Kearney is requesting \$30,000 from CDBG for Phase I, \$27,900 for the actual plan and \$2,100 for general administration. For Phase II, there would be a public hearing at that time requesting up to \$350,000. The timeline for Phase I is March 18th. The DED would come out and do sight visits to the communities that have applied for these funds. Those sight visits would be done in April and May of this year. If the City were awarded the funds, they would be notified in June. From that time there would be eight months to complete the

plan, which would be February 2012. The grant application for the \$350,000 is due in March of 2012. The funds would be awarded in April 2012. There will be more details to follow about the length of time to expend the funds. The \$117,000 match would be put in by the City at that time. City Manager stated the project will be approximately \$450,000 for the total project cost. They have \$200,000 already set aside in the ½ cent sales tax so that would be used toward the match making the \$450,000 if the City receives all the grants.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and approve submitting an application to the Nebraska Department of Economic Development for the Downtown Revitalization Planning Grant and adopt **Resolution No. 2011-14**. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2011-14

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 \$30,000 for downtown revitalization planning.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the City Manager 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 22ND DAY OF FEBRUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

CDBG – AMENDMENT TO PROJECT NO. 09-CR-204

Vice-President Buschkoetter opened the public hearing on the proposed Amendment to the Community Development Block Grant Project No. 09-CR-204 to transfer funds for community revitalization activities for an area west to east from Avenue C to Avenue N and north to south from 31st Street to Railroad Street.

The Nebraska Department of Economic Development (NDED) awarded the City of Kearney funds for Community Revitalization (CR) activities for a project located in the targeted census tract span an area west to east from Avenue C to Avenue N and north to south from 31st Street to Railroad Street. The project was to construct sidewalks where there are gaps and handicap ramps at intersections to meet ADA guidelines.

In order to complete the south Central Avenue project in 2011, NDED is possibly allowing the City of Kearney to amend grant #09-CR-204 and move those awarded funds to the Central Avenue project. The City would then apply for CR funds for the sidewalk project in 2012.

Funding – The proposed amendment would transfer the fund from grant #09-CR-204 to the Central Avenue project to maximize grant dollars and meet the construction schedule. Funds to be moved are as follows:

Activity Description		Approved Grant Amount	Matching Funds	Total Funds
Activity 0230	Streets	\$131,427	\$131,427	\$262,854
Activity 0181	General Administration	10,000	0	10,000
TOTAL		\$141,427	\$131,427	\$272,854

This amendment would allow these funds plus the CR Phase I monies and the CR Phase II monies to be used on south Central Avenue. The total proposed budget for the south Central Avenue project is outlined below and includes transferred funds from grant #09-CR-204.

Activity Description		CDBG Funds	Matching Funds	Total Funds
Activity 0230	Streets	\$455,855	\$455,855	\$911,710
Activity 0181	General Administration	32,000	0	32,000
TOTAL		\$487,855	\$455,855	\$943,710

Proposed Project – The south Central Avenue project will be completed from June 2011 to December 2011. The original project use for 09-CR-204 funds will be applied for by the City in 2012 in order to complete the sidewalk project. This amendment does not require the City to contribute additional matching funds to the 09-CR-204 grant; it is just allowing the funds to be transferred to the south Central Avenue project.

Candy Kuntz, Miller & Associates, presented this matter to the Council. She stated the underlying issue for doing this is to maximize the grant money that is available to the City. Last September a grant application was submitted because the Department of Economic Development had supplemental funds left over that all the communities that are part of the CR project could apply for and were to be put into a different target area than what was already being done. The sidewalk gaps and handicaps ramps were chosen in the outlined area with the understanding that DED allowed them to put three phases of funding into the South Central project. As they got closer to that project, the DED let Ms. Kuntz know they were not in favor of allowing the City to use the third phase of funding for the Central Avenue project which would leave the project several hundreds of thousands of dollars short. There were some difficulties anyway with the way the release of funds would come and when they could do engineering, construction and awarding bids. It looks like the DED is going to push construction of the South Central project to 2012 which is not really ideal for the City either.

Using some creativity with the DED, it was asked if they would allow the City to use the money for that sidewalk project since it is already awarded and put that toward the

South Central project. Ms. Kuntz stated that she would apply for the Phase II funds on the following public hearing for finishing out the funding for the Central Avenue project. The DED stated they would potentially allow that if at this meeting, the City notified the public that the sidewalk project would be put on hold until 2012. The DED still wants the City to proceed with that project; however, they would be putting it off and applying for those in April 2012 to hopefully get that project completed by next year. This would get the Central Avenue project completed in June-December of 2011. The bottom line is the application that has already been awarded needs to be amended to reflect that.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Kearney to close the hearing and approve the proposed Amendment to the Community Development Block Grant Project No. 09-CR-204 to transfer funds for community revitalization activities for an area west to east from Avenue C to Avenue N and north to south from 31st Street to Railroad Street. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

CDBG – COMMUNITY REVITALIZATION PHASE II GRANT

Vice-President Buschkoetter opened the public hearing on the application to the Nebraska Department of Economic Development for the Community Revitalization Phase II Grant and to consider Resolution No. 2011-15.

Description of Funding – The Comprehensive Revitalization program is a funding category within the Community Development Block Grant program funded and developed by the Nebraska Department of Economic Development (NDED). This program allows DED to conditionally guarantee grant awards in 2009 and 2010 for eight non-entitlement local governments, between 20,000 and 49,999 populations, based on the number of low- and moderate-income (LMI) persons residing in the community. The method for allocating funds through the CR category presents the following advantages:

- Ability to make greater impact through guaranteed funding for longer period of time;
- Larger, urban municipalities who are non-entitlement communities are eligible;
- CDBG funding is more effectively targeted to persons with lower incomes.

Target Area – The targeted census tracts span an area east to west from Avenue C to 5th Avenue and north to south from 22nd Street to 16th Street. The census tracts are located in southeast and downtown Kearney. The project will be improvements to the 1800 and 1900 blocks of Central Avenue. These blocks of Central Avenue, Old Town Kearney, fall within the selected census tract. These blocks require significant improvements to sidewalks and streets to meet ADA guidelines and address drainage and maintenance issues. Accessibility in the community is a top priority for the City. These two blocks receive a significant amount of traffic, both from the neighborhood and the wider community.

Funding – The proposed project will encompass three years of funding for Community Revitalization activities. The total funds for the project from CDBG is estimated at

\$487,855. Matching funds in the amount of \$455,855 will come from local sales tax funds, which brings the total cost of the project for all three phases to \$943,710.

The application being submitted by April 15, 2011 is for Phase II funding, which is \$175,000 from CDBG. This phase will consist of construction of the project, to be completed by the end of 2011.

The City is responsible for 1:1 leverage. Because of the number and nature of the needs discovered during the assessment process, Kearney citizens voted overwhelmingly to implement a ½ percent sales tax, effective April 1, 2006. Combining program funding and the sales tax money will provide the opportunity to serve the low- and moderate-income populations and to improve accessibility to the public facilities, business communities, and along major arterial streets that is the responsibility of the community.

Proposed Project – The project will be completed from June 2011 to December 2011, during which residents can expect to see a combination of improvements to sidewalks, streets, and accessible sidewalk ramps at intersections. When construction starts in the summer of 2011, it is anticipated there will be somewhat a phased construction in order to keep traffic flow in that area.

1. Sidewalks and Paving – It is proposed to remove brick pavers in the parking area of Central Avenue from Railroad Street South to 18th Street to allow for re-grading and replace with a concrete surface. Sidewalks and gutters will be replaced with a new grade, lower curb and accessible sidewalk ramps at intersections. The street surface would remain brick. Lead water services will also be replaced at this time.

Funding for this project will be three years of Community Revitalization funds from DED. The City has requested \$487,855 of CDBG funds for the project, requiring a cash match of \$455,855. The funds from the 09-CR-204 project will be transferred to this project to allow the construction to be complete in 2011.

Candy Kuntz, Miller & Associates, presented this matter to the Council. This is Phase II funding for the Central Avenue project which will allow use of three phases of money. These applications are due in April, but they are allowing the City to submit this application early to potentially get notice of award and release of funds quicker so all the engineering can be completed. They could then get the project out to bid and have construction starting in June 2011. She is prepared to submit that application by the end of the week. The environmental study has already been completed so the amendment needs to be submitted. They will be using all three phases of the funding totaling \$943,710 for the South Central Avenue project. This application is for \$175,000 of which \$11,000 is for general administration, the other \$164,000 is for the construction and the City needs to put up the \$164,000 for the matching funds for their portion of the project. They are still discussing either to do the projects by blocks or one side then the other, but they will try to keep the traffic flowing in that area as much as possible.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve submitting

an application to the Nebraska Department of Economic Development for the Community Revitalization Phase II Grant and adopt **Resolution No. 2011-15**. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2011-15

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 \$175,000 for community revitalization.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the City Manager 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 22ND DAY OF FEBRUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

IV. CONSENT AGENDA

Moved by Lammers seconded by Lear that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried.

1. Approve Minutes of Regular Meeting held February 8, 2011.

2. Approve the following Claims:

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

3595-American \$444.30 smcs; AT&T \$282.64 smcs; Advance Auto Parts \$234.02 smcs; Afternooners \$28.00 smcs; Agrium Advanced \$2,550.00 smcs; Alamar Uniforms \$80.20 smcs; Alamri,H \$27.53 smcs; Alfred Benesch Co \$1,007.29 smcs,co; Al-Jon Mfg \$795.84 smcs; All Makes Auto \$2,268.92 smcs; Amazon \$1,665.68 smcs,co; Amer Red Cross \$175.00 smcs; Amsan \$915.14 smcs; Apple Market \$53.91 smcs; Appliance Service Center \$249.95 smcs; Ask Supply \$404.24 smcs; Audio Go \$324.16 smcs; Aurora Coop \$2,886.97 smcs; Aviva \$1,220.00 ps; Baack,T \$16.05 smcs; Baker & Taylor Books \$4,837.71 smcs; Battery Specialist \$25.90 smcs; Beckart Environmental \$164.10 smcs; Belarus Tractor \$67.69 smcs; Big Deal Electric \$215.47 smcs; Big Rack

Shack \$1,050.00 smcs; Blessing \$3,830.00 smcs; Bluecross Blueshield \$42,943.89 smcs; Bosselman \$90,055.92 smcs; Broadfoot's \$1,720.00 smcs; Buffalo Outdoor Power \$46.13 smcs; Builders Warehouse \$1,485.63 smcs; Business Computer Design \$3,345.00 smcs; Cabela's \$39.96 smcs; Carbon County Library \$20.00 smcs; Carquest \$1,553.33 smcs; Cash Wa \$1,048.13 smcs; CDW Govt \$677.32 co; Central Contracting \$53,640.60 co; Central Hydraulic Systems \$1,683.61 smcs; Central NE Bobcat \$2,032.59 smcs; Charter \$339.22 smcs; Chartwells \$761.67 smcs; Chesterman \$92.20 smcs; Circle D Boot Saddle \$47.50 smcs; City Glass \$188.00 smcs; City of Ky \$57,046.79 smcs,ps; Cold Spring Granite \$189.00 smcs; Colorado Chapter of INL \$400.00 smcs; Conseco Life Ins \$19.00 ps; Construction Rental \$62.45 smcs; Control Masters \$3,070.00 smcs; Copycat Printing \$397.52 smcs; Credit Information Systems \$19.00 smcs; CSH Electric Motors \$140.36 smcs; Culligan \$69.50 smcs; Cummins Central Power \$169.16 smcs; D&S Lighting \$35.64 smcs; Dawson Co PPD \$21,760.66 smcs; Daylight Donuts \$23.00 smcs; DBSP \$1,000.00 smcs; Deaton-Kennedy \$220.23 smcs; Dell \$2,987.25 smcs; Dirt Devil \$11.58 smcs; DPC Industries \$5,892.80 smcs; Dutton-Lainson \$34.81 smcs; Eakes \$3,221.95 smcs; Eggen,M \$316.00 smcs; EMC Ins \$1,321.02 smcs; Emergency Lite Service \$32.07 smcs; Emerson Network Power \$3,299.04 smcs; Encore Funding \$319.74 ps; Entenmann-Rovin \$291.73 smcs; Erie Computer \$1,971.92 co; Fairbanks \$3,523.41 smcs; Farm Plan \$26.37 smcs; Farmers Union Coop \$792.00 smcs; Fastenal \$1,984.32 smcs; Fedex \$154.21 smcs; Fireguard \$1,250.49 smcs; Fleetpride \$166.66 smcs; Foged,R \$31.00 smcs; Fraser Stryker \$3,346.02 co; Fresh Water Systems \$70.46 smcs; Frontier \$9,000.52 smcs; Gale \$399.21 smcs; Galeton Gloves \$987.35 smcs; Galls \$116.32 smcs; Garrett Tires \$8,026.07 smcs; Graham Tire \$179.00 smcs; Grainger \$2,711.20 smcs,co; Great Plains One Call \$75.49 smcs; Hach \$178.95 smcs; HD Supply \$2,350.00 smcs; Hobby-Lobby \$26.70 smcs; Holmes Plumbing \$131.00 smcs; Honeywell \$122.49 smcs; Hotsy Equipment \$22.68 smcs; Hotz, Sarah \$5.00 smcs; HP Home Store \$178.68 smcs; Hydra Stop \$817.62 co; IA, NE, SD PRIMA Chapter \$40.00 smcs; ICMA RC \$4,097.79 ps; Inland Truck Parts \$636.04 smcs; IRS \$107,205.23 ps; J&P Park Seed \$74.00 smcs; Jack Lederman \$3,260.66 smcs; JDL Lesco \$102.35 smcs; JLC \$238,563.00 co; Johnson Controls \$1,508.54 smcs; Just Blinds \$448.00 smcs; K&K Parts \$719.22 smcs; Ky Chamber of Comm \$31.50 smcs; Ky Clinic \$759.00 ps; Ky Concrete \$868.77 smcs; Ky Floral \$71.64 smcs; Ky Glass \$159.60 smcs; Ky Hub \$2,989.02 smcs; Ky Implement \$773.67 smcs; Ky Noon Rotary \$105.00 smcs; Ky Warehouse \$396.09 smcs; Ky Winlectric \$30.68 co; Kelly Supply \$259.05 smcs; KGFW \$72.00 smcs; Kindle \$20.98 smcs; Kmart \$179.94 smcs; Knox Co \$232.00 smcs; Konica Minolta \$95.98 smcs; Liberty Cleaners \$40.00 smcs; Linweld \$99.28 smcs; Lockmobile \$152.35 smcs; Magic Cleaning \$3,760.00 smcs; Mail Express \$428.21 smcs; Marlatt Machine Shop \$2,683.34 smcs; Masek Distributing \$50.65 smcs; Matheson Tri-Gas \$138.50 smcs; Menards \$2,006.45 smcs; Metlife \$8.94 ps; Michael Todd \$993.00 smcs; Microfilm Imaging \$780.00 smcs; Mid Peterson Meal Program \$158.50 smcs; Mid States Supply \$239.15 smcs; Middleton Electric \$204.00 smcs; Mid-NE Garage Doors \$152.00 smcs; Midway Chevrolet \$88.75 smcs; Midwest Labs \$2,213.10 smcs; Midwest Turf \$807.09 smcs; Miller & Associates \$12,702.00 smcs; Misko Sports \$39.00 smcs; Morris Press \$427.00 smcs; Morris,J \$10.99 smcs; Motorola \$27,662.00 smcs; Murphy Tractor \$428.88 smcs; Napa All Makes Auto \$301.36 smcs; NASC \$20.00 smcs; NCS Equipment \$195.60 smcs; NE Child Support \$2,454.98 ps; NE Coalition for Victims \$40.00 smcs; NE Code Officials Assn \$130.00 smcs; NE Dept of Aeronautics \$370.00 ds; NE Forest Service \$400.00 smcs; NE Machinery \$6,200.00 co; NE Salt & Grain

\$915.00 smcs; NE Section PGA \$20.00 smcs; NE Truck Center \$313.08 smcs; Nelson's Furniture \$161.00 co; Newegg \$1,126.08 smcs,co; NMC \$217.41 smcs; Norlab \$170.71 smcs; North Gate Vet \$117.58 smcs; Northwest Electric \$17.18 smcs; Northwestern Energy \$21,349.22 smcs; Office Depot \$872.70 smcs; Office Max \$345.99 smcs; Officenet \$957.69 smcs; O'Keefe Elevator \$576.75 smcs; O'Reilly Auto \$1,080.50 smcs; Oriental Trading \$191.28 smcs; Orscheln \$182.56 smcs; Oshkosh \$487.85 smcs; Oxarc \$196.68 smcs; Paramount Linen \$82.74 smcs; Pat's Plumbing \$300.00 smcs; Paypal \$64.94 smcs; Perkins \$212.84 smcs; Philadelphia Mixing Solution \$187.85 smcs; Platte Valley Comm \$1,165.00 smcs,co; PLI Splitview \$39.00 co; Presto-X \$314.00 smcs; Provantage Corp \$4,141.33 smcs,co; Quill \$1,159.80 smcs; Random House \$509.00 smcs; Ready Mixed Concrete \$764.40 smcs; Recognition Unlimited \$57.40 ps; Recorded Books \$104.32 smcs; Recreonics \$3,622.51 smcs,co; Reinke's Heating \$438.10 smcs; Resource Management \$499.38 smcs; Riekes Equipment \$1,221.00 smcs; Russell's Appliance \$525.00 smcs; S&B Heating \$201.88 smcs; Sahling Kenworth \$3.40 smcs; Salina Blueprint \$105.88 smcs; Sapp Bros \$6,578.00 smcs; Sheldon,B \$30.06 smcs; Sherwin Williams \$29.08 smcs; Signwarehousecom \$146.19 smcs; Smarhome \$200.36 co; Snap-On Tools \$226.00 smcs; Softchoice \$1,331.47 co; Sorensen Partners \$362.08 ps; Sporting Edge \$139.96 smcs; Stanley Security \$392.16 smcs; Starostka Group \$444,894.33 co; Strategic Materials \$345.24 smcs; Sunset Printing \$325.28 smcs; Tape4Backup \$110.09 smcs; Teamsidelinecom \$499.00 smcs; Techsmith \$56.90 smcs; Tee's Plus \$18.75 smcs; Tigerdirectcom \$187.69 co; Town & Country \$4.92 smcs; Tractor Supply \$791.78 smcs; Trans Iowa Equipment \$231.05 smcs; Tri City Outdoor \$264.29 smcs; Unique Management \$259.55 smcs; United Rentals \$1,445.33 smcs; UPS Store \$81.44 smcs,co; USPS \$318.13 smcs; Van Diest Supply \$1,122.46 smcs; Van Wall \$300.30 smcs; Voss Lighting \$386.00 smcs; Wal-mart \$946.29 smcs,ps; Walsh,C \$127.36 smcs; Warren-T Plumbing \$177.00 smcs; Waste Corp Pumps \$2,251.21 smcs; Watchguard Video \$134.25 co; West Payment Center \$1,454.43 smcs; Weston Woods \$18.95 smcs; Wiegand Security \$85.00 smcs; Wilke Donovans \$412.30 smcs,co; Wilkins Hinrichs Stober \$4,831.54 co; Winter Equipment \$841.88 smcs; Wooden,T \$661.04 smcs; WPCI \$342.50 ps; Zimmerman Printers \$398.43 smcs; Payroll Ending 2-12-2011 -- \$317,447.61. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set March 8, 2011 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License submitted by Kearney Investment Corporation, dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer, wine and distilled spirits in the Museum of Nebraska Art, 2401 Central Avenue, on April 16, 2011 from 5:00 p.m. until 10:00 p.m. for a reception.
5. Approve the recommendation on awarding the bid submitted by Midwest Storage Solutions for the purchase of library shelving and associated services at the Kearney Public Library.
6. Adopt **Resolution No. 2011-16** amending the Kearney Cemetery Rules and

Regulations establishing a policy for the Regulation of Steel Rod Decorations.

RESOLUTION NO. 2011-16

WHEREAS, the Rules and Regulations of the Kearney Cemetery were adopted March 28, 1961 and have been amended over the years with the last reprint on March 1, 2004; and

WHEREAS, Administration has brought to the attention of the City Council the necessity to amend the Rules and Regulations to establish a policy for "Regulation of Rod Steel Decorations"; and

WHEREAS, the Vice-President and City Council of the City of Kearney, Nebraska, find and determine that the recommended policy for rod steel decorations at the Kearney Cemetery is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the "Regulation of Rod Steel Decorations" at the Kearney Cemetery, a copy marked as Exhibit "A", is attached hereto and made a part hereof by reference, be and is hereby adopted and approved.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. Approve Application and Certificate for Payment No. 1 in the amount of \$255,206.69 submitted by General Excavating and approved by Miller & Associates for the 2010 Part 5 Improvements – Bid A consisting of 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 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 adopt **Resolution No. 2011-17**.

RESOLUTION NO. 2011-17

WHEREAS, General Excavating of Lincoln, Nebraska has performed services in connection with the 2010 Part 5 Improvements – Bid A consisting of 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 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$255,206.69, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,816,395.00
Contract Sum To Date	1,816,395.00
Gross Amount Due	283,562.99
Retainage	28,356.30
Amount Due to Date	255,206.69
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 255,206.69

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

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2011.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

8. Approve the Agricultural Lease at the Kearney Regional Airport between the City of Kearney and Don Hendrickson and adopt **Resolution No. 2011-18**.

RESOLUTION NO. 2011-18

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed on behalf of the City of Kearney, Nebraska to execute the Agriculture Lease Agreement with Don Hendrickson on property located at the Kearney Regional Airport from January 1, 2011 until December 31, 2011. A copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2011.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2004B; CALLING FOR REDEMPTION

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Vice-President Buschkoetter opened for discussion the calling for the redemption of the Combined Utilities Revenue Refunding Bonds, Series 2004B and to consider Resolution

No. 2011-19.

The City of Kearney currently has Combined Utilities Revenue Refunding Bonds Series 2004B (Series 2004B Bonds) outstanding. The Series 2004B Bonds have an interest coupon rate ranging from 3.40% to 4.35% with a final payment on December 15, 2018. After monitoring the municipal bond market over the past several months, it appears that the City of Kearney could save considerable interest costs by refinancing the Series 2004B Bonds with Combined Utilities Revenue Refunding Bonds Series 2011 (Series 2011 Bonds).

Additionally, on November 9, 2010, the City Council awarded a bid of \$468,430.00 to General Excavating, Inc. for Water District 2010-561 (Spruce Hollows Estates Fourth and Fifth Addition). Additional funds have been included in the proceeds of the Series 2011 Bonds referred to provide long-term financing for this project.

The Series 2011 Bonds are dated March 25, 2011 with a final payment on December 15, 2026 and will have an interest rate ranging from 0.50% to 4.60% over the life of the bonds. The City of Kearney has an opportunity to save \$101,860.20 over the next nine years by refinancing the Series 2004B Bonds. Funding for the semi-annual debt service on the Series 2011 Bonds will be included in future water and sanitary sewer budgets.

Bruce Lefler from Ameritas Investments presented this matter to the Council. The City is looking at a bond issue for the Combined Utility System of \$2,105,000. \$1,670,000 of that will be used to refinance the 2004B Bonds at lower interest rates over the existing term of those bonds. Those bonds are currently outstanding through December 15, 2018 at an average interest rate of 4.11 percent. The refinancing portion of this issue will refinance those bonds over the same term through 2018 for that purpose at an average interest rate of 2.75 percent. It will be a reduction of 1.35 percent interest. The savings are in excess of \$100,000 for that remaining term on those bonds. The other part of the project is a new money piece is \$435,000 of Combined Utility Bonds that will fund the projects as described over a 15-year period of time. They combined those two pieces into one single issue at \$2,105,000. The City of Kearney has participated very well in the sale of these bonds and purchased bonds locally to make sure those bonds are available to local people.

Moved by Lear seconded by Buschkoetter to approve calling for the redemption of the Combined Utilities Revenue Refunding Bonds, Series 2004B and adopt **Resolution No. 2011-19**. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

ORDINANCE NO. 7632 ISSUE COMBINED UTILITIES REVENUE AND REFUNDING BONDS, SERIES 2011

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Council Member Buschkoetter introduced Ordinance No. 7632, being Subsection 2 of Agenda Item VI authorizing the issuance of Combined Utilities Revenue and Refunding Bonds, Series 2011, of the City of Kearney, Nebraska, in the aggregate principal amount of \$2,105,000 for the purpose of providing for the payment and redemption of

the City's outstanding Combined Utilities Revenue Refunding Bonds, Series 2004B, in the principal amount of \$1,775,000 and for the purpose of paying the cost of maintaining, extending, enlarging and improving the waterworks plant and water system of the City; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said city for the payment of said bonds and interest thereon; providing for the collection, segregation and application of the revenues of said waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; entering into a contract on behalf of the City with the holders of said bonds; directing the prepayment of the Series 2004B Bonds, 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 Kearney 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: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse 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. 7632 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 7632 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7632 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.

CDBG – CITIZEN PARTICIPATION PLAN

Vice-President Buschkoetter opened for discussion the Citizen Participation Plan setting forth the requirements for public notification and public involvement on various community improvement task forces regarding Community Development Block Grant activities and to consider Resolution No. 2011-20.

Candy Kuntz presented this matter to the Council. As of January 2011, the Nebraska Department of Economic Development (NDED) is requiring all municipalities to adopt a Citizen Participation Plan. This plan becomes an exhibit in any grant application that is submitted to NDED. The City previously adopted a Citizen Participation Plan on April 9, 1996; however, there have been additions to the sample that NDED has provided. Therefore, the City needs to adopt the new, revised Citizen Participation Plan to be in compliance with application guidelines.

The Citizen Participation Plan outlines the steps the City takes to involve the public, particularly low-to-moderate income citizens, in the planning process, involved in community surveys, and to serve on various community improvement task forces. It also outlines the way in which the City notifies the public of meetings and public hearings regarding CDBG activities. In addition, it addresses how the City will arrange for non-English speaking individuals to be involved in the CDBG process if requested by that population to be involved in the process. Finally, the grievance process regarding CDBG programs, projects or applications is addressed. A copy of the proposed City of Kearney Citizen Participation Plan is attached.

Moved by Lammers seconded by Lear to adopt **Resolution No. 2011-20** approving the Citizen Participation Plan setting forth the requirements for public notification and public involvement on various community improvement task forces regarding Community Development Block Grant activities. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2011-20

WHEREAS, the City of Kearney, Nebraska has obtained its citizens' comments on a Citizen Participation Plan; and

WHEREAS, the Plan is a requirement of all CDBG Grantees by the State of Nebraska Department of Economic Development; and

WHEREAS, the Plan meets all requirements for Citizen Participation Plans.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed to proceed with executing the Citizen Participation Plan.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

ORDINANCE NO. 7633 GRANTING A NON-EXCLUSIVE FRANCHISE AGREEMENT TO NEBRASKALINK

City Attorney Michael Tye presented this matter to the Council. The City of Kearney has received an application from NebraskaLink, L.L.C. for a telecommunications franchise within the City of Kearney. NebraskaLink has received grant money and is building fiber optic connections between a number of communities throughout the State of Nebraska. They intend to include Kearney in this system which would include a fiber optic line along 56th Street and which would be adjacent to the Kearney Tech Park property. NebraskaLink anticipates that they may extend fiber optic lines into the community to connect to public facilities as well as private businesses who may have a need to link to this fiber optic system.

In order to operate within the City's right-of-way, NebraskaLink would need a franchise and the granting of such a telecommunications franchise is governed by Article 28 of Chapter 3 of City code. The Franchise Ordinance would be a nonexclusive grant of a telecommunications franchise to NebraskaLink within the City of Kearney for a five (5)

year period. The rights granted to NebraskaLink would be subordinate to the City's right in use of the right-of-way and NebraskaLink is required to provide appropriate Certificates of Insurance naming the City of Kearney as an additional insured as a part of the franchise grant. Pursuant to City Code, NebraskaLink would be obligated to pay three percent of gross receipts for all monthly charges collected for telecommunication services as an occupational tax.

Council Member Lear introduced Ordinance No. 7633, being Subsection 4 of Agenda Item VI granting a non-exclusive franchise agreement to NebraskaLink, LLC to install, operate, maintain or otherwise locate telecommunication facilities on certain poles that are maintained as part of Kearney's electrical system with Nebraska Public Power District within the City of Kearney in accordance with the terms, conditions and provisions of Article 28 "Telecommunications" of Chapter 3 "Business Regulations" of the Code of the City of Kearney, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse 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. 7633 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Kearney that Ordinance No. 7633 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7633 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.

KEARNEY EAST BYPASS ACQUISITION CONTRACT

Regular Agenda Items 5, 6 and 7 were discussed together but voted on separately.

Vice-President Buschkoetter opened for discussion the Acquisition Contract between the City of Kearney and the State of Nebraska Department of Roads in connection with the Kearney East Bypass project for property located in the Southeast Quarter and all accretions thereto of Section 8, the South Half of Section 5 and the Southwest Quarter of Section 4, all located in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and to consider Resolution No. 2011-21.

On January 7, 2011 the Nebraska Department of Roads received a letter from the Federal Highway Administration approving the environmental documents with a Finding of No Significant Impacts (FONSI) statement for the Kearney East Interchange and Bypass project. With this approval the Nebraska Department of Roads needs to acquire additional land to construct the improvements.

From the City of Kearney they need 5.79 acres of permanent right-of-way, 181.98 acres of conservation easement, 0.03 acres of temporary easement and miscellaneous improvements, all located in the Southwest Quarter of Section 8, the South Half of Section 5 and the Southwest Quarter of Section 4, all in Township 8 North, Range 15 West of the 6th P.M. Buffalo County and owned by the City of Kearney for a total just compensation offer in the amount of \$68,385.

Director of Public Rod Wiederspan presented this matter to the Council. With the State moving forward with the Cherry Avenue Bypass and I-80 Interchange, they are in the process of acquiring all the right-of-way needed. The road itself is going to shift about 200 feet to the west so they need the additional right-of-way. The conservation easements are part of the environmental document as far as having property that is basically not able to be developed in the future. The well field and Wastewater Treatment Plant basically fall under that. The current use can stay there and development of additional uses for that purpose can happen. However, if they are ever abandoned or removed, that property will go back into a conservation easement and cannot be developed. In front of the Wastewater Treatment Plant there is about five acres that will be sold as right-of-way to the state for this purpose.

City Manager Michael Morgan stated the City is very excited about this. He has worked very closely with the State and Director of Utilities Kirk Stocker to make sure that it does not impact the Wastewater Treatment Plant. It is difficult to comprehend that the conservation easement alone took several months of conversation. The City acquired some property over two years ago to help mitigate some of the impacts of the easement. Also, other property owners in the area (Archway, private citizens and others) are going through the same process right now. The City did not want to hold up the project in any way so made a fair proposal. The funds that the City receives will go toward their budget at the Wastewater Treatment Plant because they will have to do some signage and things of that sort.

City Manager further stated that the City recently received a new agreement for funding of the Cherry Avenue Bypass. Unfortunately, that agreement was about three times what the Council agreed to a couple years ago. The project has gone from \$40 million to \$55 million, but proportionately those numbers did not add up. They did some negotiations and appealed and then unfortunately the number went up higher than the first time. City staff worked a little harder with the Director of the Department of Roads and clarified some history. They received notice late last Friday that they have agreed to honor our original agreement; approximately \$1.8 million in local cash, the remainder about \$8-\$9 million that needs to go toward the project will be in federal funds that the City has either set aside which to date is \$5 million plus future federal surface program funds. Funding this project without sales tax or property taxes have left Keno funds to go toward what the City needed to pay and if it would have been \$4.9 million we could not cover that amount.

One of the parts of this project is to eliminate two railroad crossing. Typically, when that happens, cities can negotiate with the railroad because many times they will apply funding toward the city's cost of the project because they like to eliminate crossings where they can. Unfortunately, the State took all the money associated with the \$1 million that they are receiving from the railroad. He believes those funds should go toward the City of Kearney's share. They have appealed that decision with the State and are awaiting an answer to that appeal. Overall, they are happy with the other agreements regarding the project. They have heard that the railroad project is still in the bidding for June, but that it could be delayed.

Director of Public Works stated if they get in the June letting, they could move this fall and do the relocation of the utilities and encase the water line out there and move one of the major transmission lines. They want those events to take place in the peak season which is September-October. They might be able to do some of the pier work on the interstate this winter, but the majority of the work would be the following summer. This project has some limitations as to when they can do the construction due to environmental review.

Moved by Kearney seconded by Lammers to approve the Acquisition Contract between the City of Kearney and the State of Nebraska Department of Roads in connection with the Kearney East Bypass project for property located in the Southeast Quarter and all accretions thereto of Section 8, the South Half of Section 5 and the Southwest Quarter of Section 4, all located in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and adopt **Resolution No. 2011-21**. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2011-21

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed for, and on behalf of the City of Kearney, Nebraska to execute all necessary documents to convey title to property for highway purposes to the State of Nebraska, Department of Roads.

BE IT FURTHER RESOLVED that the City Council of the City of Kearney, Nebraska has, and at the time of the adoption of said resolution, had full power and lawful authority to adopt the foregoing resolution and to confer the powers therein granted to the persons named who have full power and authority to exercise the same.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

ORDINANCE NO. 7634 – SELL PROPERTY TO DEPARTMENT OF ROAD FOR KEARNEY EAST BYPASS

Regular Agenda Items 5, 6 and 7 were discussed together but voted on separately.

Council Member Lammers introduced Ordinance No. 7634, being Subsection 6 of Agenda Item VI selling a tract of land located in the Southeast Quarter and all accretions thereto of Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and also a tract of land located in the South Half of Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and also a tract of land located in the Southwest Quarter of Section 4, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, 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: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse 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. 7634 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7634 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7634 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.

KEARNEY EAST BYPASS – PERPETUAL CONSERVATION EASEMENT

Regular Agenda Items 5, 6 and 7 were discussed together but voted on separately.

Vice-President Buschkoetter opened for discussion the Perpetual Conservation Easement to the State of Nebraska Department of Roads for property described as a tract of land located in the Southeast Quarter and all accretions thereto of Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and part of accretion abutting Government Lot 6 located in the Southeast Quarter of Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and part of accretion land located in the Southeast Quarter of Section 9 and the North Half of Section 16, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and to consider Resolution No. 2011-22.

Moved by Buschkoetter seconded by Kearney to adopt **Resolution No. 2011-22** granting a Perpetual Conservation Easement to the State of Nebraska Department of Roads for property described as a tract of land located in the Southeast Quarter and all accretions thereto of Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and part of accretion abutting Government Lot 6 located in

the Southeast Quarter of Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and part of accretion land located in the Southeast Quarter of Section 9 and the North Half of Section 16, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2011-22

WHEREAS, the City of Kearney has been working with the State of Nebraska, Department of Roads to construct the Kearney East Bypass (State Project No. 10-2(114). The lands subject to a Conservation Easement are described as follows:

Parcel 1

A Permanent Easement to a tract of land for conservation easement purposes located in the Southeast Quarter (and all accretions thereto) of Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, described as follows: referring to the northeast corner of said Section; thence southerly a distance of 850.00 feet along the east line of said Quarter Section; thence westerly deflecting 082 degrees, 41 minutes, 18 seconds right, a distance of 33.27 feet to a point on the westerly existing Cherry Avenue right-of-way line to a point on the north line of the property owned by the grantor(s) to the point of beginning; thence westerly deflecting 000 degrees, 00 minutes, 00 seconds a distance of 240.15 feet along said line; thence southerly deflecting 084 degrees, 36 minutes, 15 seconds left, a distance of 154.43 feet; thence southerly deflecting 003 degrees, 28 minutes, 10 seconds left, a distance of 372.84 feet to a point on a line that is 231.04 feet westerly and parallel to the east line of said Quarter Section; thence southerly deflecting 005 degrees, 23 minutes, 07 seconds right, a distance of 224.08 feet along said line to a point on the centerline of the North Channel of the Platte River; thence easterly along said line to a point on the westerly existing Cherry Avenue right-of-way line; thence northerly along said right of way line to the point of beginning, Buffalo County, Nebraska; AND ALSO

PARCEL 2

A Permanent Easement to a tract of land for conservation easement purposes located in the Southeast Quarter (and all accretions thereto) of Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, described as follows: referring to the northeast corner of Quarter Section; thence southerly a distance of 850.00 feet along the east line of said Quarter Section; thence westerly deflecting 082 degrees, 41 minutes, 18 seconds right, a distance of 1876.63 feet along the north line of the property owned by the grantor(s) to the northwest corner of the property owned by the grantor(s) as recorded in doc no 36-601 to the point of beginning; thence easterly deflecting 180 degrees, 00 minutes, 00 seconds right, a distance of 1321.72 feet; thence southerly deflecting 103 degrees, 52 minutes, 55 seconds right, a distance of 412.68 feet; thence southeasterly deflecting 032 degrees, 49 minutes, 12 seconds left, a distance of 212.47 feet; thence southerly deflecting 027 degrees, 21 minutes, 37 seconds right, a distance of 86.20 feet to a point on the centerline of the North Channel of the Platte River; thence westerly along said line to a point on the west line of the property owned by the grantor(s) as recorded in Doc. No. 36601; thence northerly along said line to the point of beginning, Buffalo County, Nebraska; AND ALSO

PARCEL 3

A Permanent Easement to a tract of land for conservation easement purposes located in part of accretion abutting Government Lot 6 on the south and located in the

Southeast Quarter of Section 8, Township 8 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska, as recorded in Doc. No. 2007-7157, Buffalo County, Nebraska; AND ALSO

PARCEL 4

A Permanent Easement to a tract of land for conservation easement purposes located in accretion land located in the Southeast Quarter of the Southeast Quarter of Section 9 and the North Half of Section 16, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, as recorded in Doc. No. 83-4820, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the City of Kearney hereby grants a Conservation Easement to the State of Nebraska Department of Roads. A copy of the Conservation Easement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

**ORDINANCE NO. 7629 – ANNEXATION OF KEARNEY RV PARK & CAMPGROUND,
SOUTH OF 11TH STREET EAST OF AVENUE M**

Vice-President Buschkoetter stated that Ordinance No. 7629 pertains to the annexation of the RV Park & Campground located south of 11th Street east of Avenue M. Most generally, the City Council always suspends the rules requiring the reading on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." The first reading of the ordinance annexing property known as Kearney RV Park & Campground located south of 11th Street east of Avenue M was held on January 25, the second reading on February 8 and this is the third reading.

Council Member Kearney moved that Ordinance No. 7629, being Subsection 8 of Agenda Item VI annexing a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M), be placed on third and final reading by title and that the City Clerk be permitted to read Ordinance No. 7629 on its third and final reading. Council Member Lammers seconded the motion to place Ordinance No. 7629 on third and final reading. Vice-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: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. City Clerk read Ordinance No. 7629 by title on third and final reading.

Moved by Lammers seconded by Lear that Ordinance No. 7629 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the third reading and final passage of the ordinance, Ordinance No. 7629 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.

LEGISLATION BEING INTRODUCED ON LIQUOR ISSUES

Vice-President Buschkoetter opened for discussion the Legislative Bills being introduced by the Nebraska Legislature concerning liquor consumption and violations which would impact the community, specifically, LB281, LB567 and LB641.

During the 102nd Session of the Nebraska Legislature, three bills have been introduced which may impact the regulation of liquor consumption and violations within the community. A brief description of each bill is listed below, as well as an opinion in italics from Chief of Police Dan Lynch. Status of each bill is current as of February 16, 2011.

- **LB281** to allow the consumption of alcohol in chartered limousines and buses. *This bill promotes unsafe behaviors and impacts the ability of the driver to focus on the road.*
- **LB567** to remove penalties against a liquor licensee for sale to or possession by a minor as a result of any compliance checks from consideration as a previous violation during future penalty assessment. *This reduces the accountability of licensees as well as the ability of local government to monitor liquor sale practices.*
- **LB641** to require law enforcement officers to report liquor law violations to the Nebraska Liquor Control Commission. *Reporting such violations is an important part of licensee monitoring and is in the best interests of public safety.*

Assistant City Manager Suzanne Brodine presented this matter to the Council. LB281 has moved to "select file" which is the final consideration to close amendments on it. LB567 has not yet had a hearing and is scheduled for March 28th. The hearing for LB641 was scheduled for February 14th, but no action has been taken. The committee can take action on LB641 or take no action which means that it is essentially dead in the water. Chief Lynch has made his comments which have been provided to the Council.

Ms. Brodine stated that staff is looking for direction from the Council to offer statements of support, opposition, neutrality on any of these topics as they go before the Legislature for approval.

Vice-President Buschkoetter stated he agrees with Chief Lynch's position with the exception of LB281 which allows consumption of alcohol in a limo or a bus. In that situation, it sounds like they would be hiring a designated driver. On the surface, it does not strike him as an irresponsible act by a person that would hire a designated driver. He did not perceive that to be an overtly dangerous act. His position is that they should take a position of neutrality on LB281.

Council member Kearney stated he was opposed to LB567 which appeared to be the

general consensus of the other Council members. He agreed with Vice-President Buschkoetter's comments on LB281.

Council member Lammers agreed that people have had chauffeured limos and buses while alcohol is being served in the vehicle for a long time. LB281 would allow it to be done legally in Nebraska.

City Manager stated what they tried to do as staff was chose a few out of the approximately 700 bills that were introduced that we could possibly make policy decisions on. Staff does not feel comfortable speaking on the Council's behalf so asked for their input. Their interpretation of LB567 would be a real concern to our City. LB281 would be less of a concern and he was not sure that staff would have much problem with LB641, but would probably make it easier for the Police Department. Given the history of liquor discussions this Council has had and what is coming before them, staff believed that it was important to bring these to the Council for a policy discussion. Whatever position the Council takes, they will carry forward to the Legislature. They did not want to put the whole burden on Chief Lynch.

Chief Lynch stated in response to the comments made by the Council, on the face of it looks good and he is sure that is why LB281 is being proposed. However, as a practical matter that is not what happens. Most of these violations involve underage people being over served within the confines of that vehicle. Many times those young people leave that vehicle extremely intoxicated and more often then not vulnerable. We have had examples of that in the community. He believed that it simply promotes other bad behaviors. Most of those limos have dark windows and you cannot see inside. The police see what is falling out the doors.

City Manager stated that in looking at charters and limousines, it just makes the law easier to enforce. On the other hand we sometimes forget about proms, etc. Vice-President Buschkoetter stated there are already laws on the books regarding the minors involved in that situation so that does not really apply.

Moved by Lear seconded by Buschkoetter to authorize City staff to provide statements of opposition for LB567 and a statement of support for LB641. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried.

OPEN ACCOUNT CLAIMS: NPPD - \$73,870.89, PLATTE VALLEY STATE BANK - \$51,993.15

Moved by Buschkoetter seconded by Kearney that Open Account Claim in the amount of \$73,870.89 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried.

Moved by Kearney seconded by Lammers that Open Account Claim in the amount of \$51,993.15 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse absent and Lear abstained. Motion carried.

VII. REPORTS

ESSENTIAL AIR SERVICE

City Manager Michael Morgan updated the Council on Essential Air Service. Usually when The City deals with legislative issues at the state level they try to figure out what is best for the City. Now they are dealing with that at a national level, more specifically with essential air service. The Airport received about \$1.9 million in subsidy for air traffic for Great Lake Airlines. That money was very important because without that Kearney would not have commercial air traffic. Senator McCain had proposed elimination of the program, but that did not happen at the senate level. The Senate did look to provide some language regarding if an airport did not have enough passengers than the air service would be eliminated. Essential air service subsidies are not equally distributed. For instance a few years ago, the City of Kearney was \$165 per passenger, McCook got \$857 per passenger both to fly to Denver. Chadron received \$454, Alliance received \$547, Scottsbluff \$145, North Platte \$181 and Grand Island \$300. This is a \$200 million program which they are looking to cut. The House is very much in opposition to the program and has proposed cutting it. At some point, Kearney's airport is going to have to see how these mesh because it is very concerned about this. Kearney has expressed its concern to the Air Transportation Committee about this. At present, the Senate version will not affect Kearney this year, but the House version would. They will keep following this very closely.

LISTENING SESSIONS

He thanked Wendell Wessels, Julie Steffensmeier and others for their participation in the listening sessions recently completed. They have had over 90 meetings attended by over 2,000 people. He believed this citizen participation was far and above other cities participation levels. He also expressed his appreciation of the citizens. It was very impressive to get citizens to come out to the listening sessions during some very cold weather. He was very proud of his citizens who are able to come out and speak up during the process and he was very happy with the input they made. He stated some people are not comfortable coming to a Council meeting although they try to make it as comfortable as they can.

There are 1,500-1,600 different suggestions over the course of those meetings. Some of those suggestions will be brought to the next Council meeting for the Council to review. Before the meeting, the Council will receive a copy of all the identifiable projects that have been proposed and the best cost estimates that can be determined based on those projects. At that meeting, they will have updated figures on what is currently available in the ½ cent sales tax. This will give the Council an opportunity to give staff some guidance, possibly make a few decisions and see where to go from there.

Council member Kearney left the meeting at 8:31 p.m.

VIII. ADJOURN

Moved by Lear seconded by Buschkoetter that Council adjourn at 8:36 p.m. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Clouse and Kearney absent. Motion carried.

ATTEST:

**RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL**

**MICHAELLE E. TREMBLY
CITY CLERK**