

**Kearney, Nebraska**  
**August 9, 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 August 9, 2011, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Bobbi Pettit, Assistant Development Services Director were also present. Some of the citizens present in the audience included: John Livingston, Mary Livingston, Roger Jasnoch, Mitch Humphrey, Danny Baer, Eddy Baer, Marvion Reichert, Mitchel Greenwall, Scott Matteson, Steve Rhoads, Steve Altmaier, KGFW Radio, Kevin Hervert, Kearney Hub, KHAS TV.

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 Eric Leshar from First Lutheran Church provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

Boy Scouts Adam Keating and Jack Keating 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.

### **RECOGNITION – DANNY BAER**

Mayor Clouse and Council Members recognized Danny Baer who is retiring after 45 years volunteering with the Buffalo County Amatuer Radio Emergency Service. He was presented a Resolution of Appreciation.

## **RECOGNITION – OUTGOING BOARD MEMBERS**

Mayor Clouse and Council Members recognized the following outgoing Board members by presenting them with a plaque: Philip Kozera for 5 years of service on the Airport Advisory Board; Norman Vinderslev for 6 years of service on the Examining Board for Plumbers; and Doug Shada for 4 years of service on the Kearney Housing Agency.

## **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **AMEND LAND USE MAP AT 2401 EAST 56TH STREET – ½ MILE EAST OF 56TH STREET AND AVENUE N**

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Daniel Roeder (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 1 to Low Density Residential for property described as a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N) and to consider Resolution No. 2011-88. Planning Commission recommended approval.

The applicant is requesting rezoning from District AG, Agricultural to District R-1, Urban Residential Single-Family District for this 22.76 acre parcel that is most commonly referred to as the former “I Believe in Me Ranch”. All of the buildings have been demolished or removed from the site. The new owner would like to develop this property into a single-family residential subdivision. The Future Land Use Map of the City of Kearney Comprehensive Development Plan shows the area to be “Mixed Use 1”. Although residential development can be included in Mixed Use 1 areas, the applicant is seeking approval of solely residential development and no other uses. Therefore, the Future Land Use Map should be amended to “Low Density Residential.” Adjacent lands are residential or undeveloped at this time. The proposed zoning request is compatible with the surrounding area.

DRT staff reviewed a preliminary lot layout for this property last month. The applicant is not prepared to submit a final plat for the area at this time and is only requesting a Land Use Map amendment and rezoning. It appears that something in the order of 30 to 40 lots could be accommodated on this parcel of land, but a more detailed analysis, including a Public Works Plan to demonstrate feasibility, is required because there are

accessibility and sanitation questions that will need to be answered. Approval of amending the Land Use Map and rezoning does not guarantee that the property can be developed in the future.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. This property is just west of the Union Pacific spur line which has been terminated at 56th Street and is now used by the grain elevator to back up cars. The growth pattern for the City is projected to be low density residential and to extend past this site to the east and on both sides of the road to 2nd Avenue. There are some commercial nodes that were projected by Marty Shukart when he did the Comprehensive Plan and future map use update located west of Avenue E and 56th Street. On his plan, this site was somewhat designated as a mixed use one site which allows for the group home/ counseling facility to exist as it was being used at the time. That site has now been sold to Dan Roeder. Mr. Roeder has requested to amend the Land Use Map to a single family or low density residential type setting. He also wants to obtain a rezoning to single family residential from AG. The ground to the east and west is presently undeveloped. The ground to the north and west is the Eastbrook 8th development with the lots closest to this site projected to be a higher density residential. The ground directly to the north is being farmed with no immediate plans to be developed.

The site is elongated and they have come up with a preliminary plat and a final plat that would accommodate the site and future street patterns and growth connecting to the property to the west. There is presently sanitary sewer and water lines located in 56th Street with paving extended out to Antelope Avenue and beyond to accommodate the new technology park. The sanitary sewer will serve this site with gravity flow. They will have to prepare a public works plan that will accommodate the City's requirements to demonstrate feasibility. The only hold up now is insuring that they have a license to do a directional bore underneath the railroad right-of-way. Once that license is secured, they will return to DRT and present the formal final plat so it can proceed to the Planning Commission and City Council.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Daniel Roeder (Owner) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 1 to Low Density Residential for property described as a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N) and adopt **Resolution No. 2011-88**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

#### **RESOLUTION NO. 2011-88**

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo

County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of said Section 30 and assuming the West line of said Northeast Quarter as bearing S00°17'52"E and all bearings contained herein are relative thereto; thence S00°17'52"E and on the West line of the Northeast Quarter of said section a distance of 2143.68 feet; thence EAST a distance of 186.15 feet to the point of intersection with the West right-of-way line of the Kearney Branch of the Union Pacific Railroad; thence N18°31'17"E and on the aforesaid West right-of-way line of the Kearney Branch of the Union Pacific Railroad a distance of 1397.71 feet to the point of curvature; thence on a 13,872.33 foot radius curve to the left a chord distance of 478.77 feet to a point, said point being N11°16'16"E from the previously described line; thence leaving said railroad right-of-way N89°54'09"W a distance of 374.55 feet; thence N01°54'21"W a distance of 348.0 feet to a point that intersects on the North line of the Northeast Quarter of said section; thence N89°56'41"W and on the aforesaid North line a distance of 348.75 feet to the place of beginning, containing 22.76 acres, more or less, of which 0.27 acres, more or less, are presently being used for road purposes on the North side; said tract also being described as part of Tax Lot 2, Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N) from Mixed Use 1 to Low Density Residential, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Mixed Use 1 to Low Density Residential the use classification for a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of said Section 30 and assuming the West line of said Northeast Quarter as bearing S00°17'52"E and all bearings contained herein are relative thereto; thence S00°17'52"E and on the West line of the Northeast Quarter of said section a distance of 2143.68 feet; thence EAST a distance of 186.15 feet to the point of intersection with the West right-of-way line of the Kearney Branch of the Union Pacific Railroad; thence N18°31'17"E and on the aforesaid West right-of-way line of the Kearney Branch of the Union Pacific Railroad a distance of 1397.71 feet to the point of curvature; thence on a 13,872.33 foot radius curve to the left a chord distance of 478.77 feet to a point, said point being N11°16'16"E from the previously described line; thence leaving said railroad right-of-way N89°54'09"W a distance of 374.55 feet; thence N01°54'21"W a distance of 348.0 feet to a point that intersects on the North line of the Northeast Quarter of said section; thence N89°56'41"W and on the aforesaid North line a distance of 348.75 feet to the place of beginning, containing 22.76 acres, more or less, of which 0.27 acres, more or less, are presently being used for road purposes on the North side; said tract also being described as part of Tax Lot 2, Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N).

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:

STANLEY A. CLOUSE

MICHAELLE E. TREMBLY  
CITY CLERK

PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**REZONING 2401 EAST 56TH STREET – ½ MILE EAST OF 56TH STREET AND AVENUE N**

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Daniel Roeder (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N) and to consider Ordinance No. 7660. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing on the Application submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Daniel Roeder (Owner) to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N). Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

**Ordinance No. 7660**

Council Member Lear introduced Ordinance No. 7660, being Subsection 2 of Agenda Item III to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the West Half of the Northeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2401 East 56th Street – ½ mile east of 56th Street and Avenue N), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7660 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Kearney, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7660 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7660 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.

### **CONDITIONAL USE PERMIT TO RANDALL STONES; 404 EAST 56TH STREET**

Mayor Clouse stated the applicant has requested to postpone the public hearing on the Application submitted by Randall Stones for a Conditional Use Permit to locate a facility for veterinary services for both large and small animals on property located at 404 East 56th Street.

Moved by Clouse seconded by Kearney to postpone until August 23, 2011 the hearing on the Application submitted by Randall Stones for a Conditional Use Permit to locate a facility for veterinary services for both large and small animals on property located at 404 East 56th Street. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

### **PROPOSED RESTAURANT AND DRINKING PLACE OCCUPATION TAX**

Mayor Clouse opened the public hearing on the proposed Restaurant and Drinking Place Occupation Tax. The Council has three options to consider: (1) place the matter on the ballot for a special election; (2) pass the ordinance implementing the restaurant and drinking place occupation tax; or (3) take no action.

In early December, the City announced a comprehensive approach to develop and prioritize capital improvement projects. This approach included conducting 42 listening sessions throughout the community. Citizen response to the request for input was overwhelming as over 870 citizens attended the listening sessions. The top suggestions, based on the number of comments received, were Park & Recreation facilities, UNK assistance – facilities, etc., streets, sidewalks and traffic.

For the foreseeable future, the majority of the ½ cent special sales tax is being spent for street improvements. It has been a priority of City Council and administration to maintain low property taxes; therefore, increasing property taxes is not being considered. However, the City Council has the authority to levy a “privilege or license” tax on an occupation or business within its boundaries. On July 12, 2011 the City Council allowed open discussion to allow citizen input regarding a Restaurant and Drinking Place Occupation Tax. Based on that discussion, the City is conducting a public hearing to allow additional citizen input and to make a determination with regard to this occupation tax.

One of the options is to place the matter before the citizens of Kearney at a Special Election to be held on October 11, 2011. The question for the ballot is: “Shall the Mayor

and City Council of the City of Kearney, Nebraska, impose a restaurant and drinking place occupation tax commencing December 1, 2011 in the amount of two percent (2%) to fund Community Betterment Purposes as defined in Section 9-604 of the Nebraska Revised Statutes?”

Because a vote of the citizens is not required to approve an occupation tax, another option is to adopt Ordinance No. 7662 implementing the Restaurant and Drinking Place Occupation Tax. Ordinance No. 7662 exercises the City's authority to collect a tax for revenue on any occupation or business within the City. State law requires only that the taxes be uniform in respect to the class upon which they are imposed. The ordinance identifies businesses engaged in providing food and drink as a distinct class from which an occupation tax may be collected. The ordinance expressly identifies this occupation class as one that is uniquely benefited from tourism and discretionary recreational activity and that is dependent upon the business's location within the City and the business's access to services provided by the City.

The ordinance uses the gross receipts derived from the sale of food and beverages as the measure of the extent to which a restaurant or drinking place does business in the City. The ordinance imposes a tax in the amount of 2% of those gross receipts. Receipts are subject to the tax only to the extent the sale is otherwise subject to the state sales and use tax. Some businesses are expressly exempted from this occupation tax. These exemptions are listed in the definitions of “drinking place” and “restaurant”. The ordinance also creates an enforcement and collection process. If the ordinance is adopted, the tax burden will be spread broadly across many businesses that will collect revenue from both residents and nonresidents who enjoy the benefits provided by these businesses located within the City.

The last option is not to take any action on the matter.

It is estimated that this occupation tax will generate \$1,300,000 annually. The proceeds from this occupation tax will be used to fund Community Betterment Purposes as defined in Section 9-604 of the Nebraska Revised Statutes.

Council member Buschkoetter stated he believed the Council had no intention of passing this tax without taking it to the people for a vote. It is one of the legal options that the Council has, but he sensed that was not their intention to do so. He stated that personally this proposal makes a lot of sense. They must have the funds to reach the potential they want to achieve. This is about as fair a tax as can be implemented because those on really fixed incomes probably do not go out and eat that often. He did not believe that it would hit the low income people really hard with a tax like this.

He looked at the National Restaurant Association site which stated that the average American family spends \$2,619 on average a year eating out. If the average family were to eat out only at restaurants in Kearney, they would spend \$52.38 on the tax based on the two percent proposal. That would average about \$1 per week for what is being proposed to do.

He further stated a couple of neighborhoods in the community do not have a park. If the City does not have money to build those parks with a tax like this, they will do the best

they can, but it could be a generation before some of them have a neighborhood park. He stated that the opportunities that would be afforded with these parks like state youth baseball, softball and soccer competitions would bring a major return on Kearney's investment monies by being able to host those kinds of tournaments and events. Kearney can make up that money from visitors through restaurant sales and sales tax receipts on merchandise purchased, etc. This is a great opportunity for the community especially since half the money collected will be from people that is drawn into the community in the first place. Kearney needs to insulate itself from future impacts and do what it can now to prop up its economy by creating things that will bring people to the community. The tourism business is very important to the City.

Council member Kearney stated he comes from a family where \$52.83 was very important. There are a lot of people like that, especially those on a fixed income. He agrees this tax should be put on the ballot so that people can vote on it. The only thing that is holding the Kearney economy up is the \$6 and \$7 price for corn. Kearney is going to be just like the rest of the country when those corn prices go down. Looking at the report that the Finance Director put together, Kearney is paying off its bonds rather quickly and Kearney has one third the debt per capita that Hastings does and that is not counting the facility corporation debt that Grand Island has. If there is an urgency to do this, he would much rather spread it out over a 15-year period than to bunch it up.

Mayor Clouse stated discussions like this just emphasize how important it is with this type of decision that they put it to a vote. No one wants to raise taxes especially in light of what has happened with the federal government in the last week. The Council could just make a decision on what to do, but that is not how they operate. They will let the community decide. With the current funding Kearney has and if it does not raise taxes or get other funding, it will be a long time until they get to some of these projects. It is like the Governor said about the state; if they do not have the money they are not spending it. Likewise, if the City does not have the money, they are not spending it. It is going to take a long time to get the money to do some of the things that have been requested by some of the citizens that are important to them. This ballot will determine how important it is.

Council member Lammers stated that Kearney has been very careful about its debt and have not borrowed money to do things. One of the reasons the Council is looking at the two percent restaurant tax is because of that. Kearney wants to take care of the bills as they come and do projects to their completion. The Council has shown their ability with the ½ cent sales tax to accomplish many things and pay cash for them. They have done a good job with that. He stated that in order for Kearney to remain competitive with other communities of its size and larger, it needs to have those kinds of facilities. At this time, Kearney does not have some of those complexes to be competitive. He was not referring to things that are just wishes, but things like the Harmon Park bathhouse that is greatly in need of repair. Kearney just does not have the funds to do that project. There is a lot of street work that needs to be done with the ½ cent sales tax and that does not leave funds to do other things. The national economy is naturally a concern and so that is why he believes it is important that they put it up for a vote to the people.

City Manager Michael Morgan stated that he agrees with Council member Kearney. We have to be very sensitive when we talk about low debt. Kearney does have low debt

which is done on purpose. The biggest reason for that is Kearney's property taxes are one third what they are in Hastings. Property tax is a very stable and a fairly secure tax unlike sales tax which is very volatile. Kearney has taken an aggressive approach to maintaining low debt because of that. He wanted citizens to understand that the low property tax contributes to the reason Kearney is very conservative on the debt side. Staff believes that it should be conservative so it does not get itself in a situation like the federal government or some other communities. A tax rate of seven cents is really very minimal when you consider an overall tax rate under 15 cents. Kearney has the third lowest tax rate in the state of Nebraska for a city above 800 people. This is an opportunity to respond back to citizens that have asked for certain things that under the current budget cannot be funded. The City could, incrementally over time, achieve some of those projects. This is the reason the restaurant tax is being proposed in combination with the low property tax. People have asked him why Kearney does not just raise property taxes. In order to raise \$1.3 million per year, property taxes would have to increase by fifty percent. These are the things that need to be kept in mind when you look at the debt ratio.

John Livingston, 1403 Avenue D, stated that his wife owns Tex's Café downtown. It is one of the oldest established restaurants in Kearney. A few years ago, the City wanted to do the same thing when they wanted to purchase the arena. At that time, he contacted several people on the City Council and was told that if they were going to do this it would be put to a vote. He was in favor of doing it that way because it is the only fair way. In talking to other people who are in their same business in Grand Island and other places, said they did not like having this kind of tax "rammed down their throats". He stated at first they thought it was a good idea, but afterwards it did not appeal to them. Most of the people he spoke with stated if they had the chance to do it again, they would have fought it more rigorously than they did. He would appreciate the Council putting this to a vote.

Steve Rhodes, 72 LaCrosse Drive, stated he spoke against this tax hike at the last meeting. He wanted to know if the Council is definitely moving forward on this issue. Mayor Clouse stated a decision at this point has not been made, but it appeared the Council was leaning toward that and some action would be taken at this meeting. As elected officials they want to do what the wishes of the community are. He believed the Council members were all in agreement this ballot is the open and fair way for them to find out. If the majority of people want it, they will go forward. If the majority does not want it, then the Council will have to figure out how to pay for things that become needs. Council member Lammers stated if it does not pass, then they will do what they can over time. He gave the example of the Harmon Park Activity Center that took about 25 years to get replaced because there were no funds to do it.

Mr. Rhodes stated he was in favor of seeing this be put on the ballot. He stated that \$1.3 million is projected to be raised each year which is a large amount of money and not just a minimal amount for those paying it. He was concerned that there is no time limit set on collecting the tax. He believed that the economy will improve in the future which will increase funds available to the City even though times are tough right now. He was also concerned about how the money is going to be spent. There has been a lot of talk about parks, but there are also things like redoing the club house at the golf course. He would like to see a more detailed list of projects being considered.

Mayor Clouse stated Mr. Rhodes had a valid point and that a list of projects will be compiled so that the community will be informed. Council member Buschkoetter stated that with the ½ cent sales tax, they have had a public hearing every year. He envisioned they would do the same with this tax which would be set up as a special fund.

Mitchel Greenwall, 1210 16th Avenue, stated he has been on the Park and Recreation Advisory Board for a short time. The budget for parks is fairly sparse given the amount of parks that are in Kearney. He has had experience working with the Chicago parks system and university landscaping and he knows that Kearney gets a tremendous bang for its dollar in Park & Rec. He went on to say that there is a lot more to be done and a lot more being asked for. There is infrastructure that is decaying which occurs at Harmon and Cottonmill and there are new areas of town that need parks. If Kearney is really serious about having a first class park system and competing, this funding and this mechanism for funding is necessary. He encouraged the Council to vote on these themselves, but realized that is probably not possible given what has been discussed at this meeting. He stated at the minimum they need to get it to the people for a vote. There is support for this even though all the people have not shown up at the last two discussions. People utilize the parks in Kearney and if we are going to continue these, it is going to take money. He believed that some of what is going on is reflected in the national media; there is a tremendous desire to have more things and there is not a willingness to step up and say and we will pay for it too. As a community, we are going to have to step up and foot that bill for the things that we want. He falls into the \$2,000 a year going out to eat group and did not believe that extra dollar a week is going to hurt him. If that amount did hurt his budget, he would not go out to eat.

Marvion Reichert, 18 Rolling Hills Road, stated he is neither pro nor con for this tax. If it does go before the voters and is voted in he would like to see a "sunset" on it in 5-7 years. People could then decide if the dollars are being spent the way they wanted. Although this tax may be only another dollar, there are many other taxes that are just a few dollars here and a few dollars there and it all adds up to quite a bit. There are many people, especially seniors, who are living on a fixed income that could be affected.

Council member Lear stated that one of the things that sets Kearney apart is their lack of desire to take on debt. That has served this Council extraordinarily well. They have benefited from prior Councils also having that attitude. This Council has continued that policy. The Council needs to continue ways to help this community grow and expand a base and he believed leveraging dollars from people who visit this community is a great way to do that. Many of the projects such as those for Park & Rec, community betterment and UNK are solid worthwhile projects. This is a good time and place to be respectful of the history that we have as a community to say we are going to pay as we go. They are not going to impose debt burdens that may cause problems for future Councils. Regarding putting this on the ballot, he stated some proposed projects are not needs. There are things we would like, but it would be stretching it to call them 100 percent needs. If this money was all to fund major infrastructure or roads then he would be for the Council passing it and going forward. However, the Council has the flexibility to say these are the things we want to do. They always want to do good projects, but are not willing to take on risks to make the community better. Moving this forward is very much following the vane of where they have been as a group.

Council member Buschkoetter stated Kearney needs to invest in its community and are in a position to do that. He gave the example of a bar owner not having cable television. People are going to come into the bar, but more will come in if there is a sports channel on cable. If we do this and it works the way we believe it will, people are going to come into our community and pay half the tab for us. This works a lot better than just raising property taxes. Raising property taxes puts the burden on everybody instead of getting everything at fifty percent off. If the City is to reach its potential, we need to do this while we have the opportunity.

Mayor Clouse stated as they move forward, they need to be very forthcoming about what types of projects are being considered. He added they need to be specific with what they are talking about doing. There have been some questions about why they are holding a special election on October 11. They could wait a year or until next November, but he did not want to see this dragged out. His thought was if they are going to do this, just do it and then they know what they are dealing with. This special election is not designed to sway the vote one way or the other. The citizens have the freedom (which is their right) to vote either way.

Moved by Clouse seconded by Kearney to close the hearing and adopt **Resolution No. 2011-89** submitting the question of "Shall the Mayor and City Council of the City of Kearney, Nebraska, impose a restaurant and drinking place occupation tax commencing December 1, 2011 in the amount of two percent (2%) to fund Community Betterment Purposes as defined in Section 9-604 of the Nebraska Revised Statutes?" to the qualified electors of the City of Kearney at a special election to be held within the City on October 11, 2011. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2011-89**

WHEREAS, citizens of the City of Kearney, Nebraska have expressed their desire to maintain and improve public infrastructure within the community as well as community betterment projects; and

WHEREAS, the Mayor and City Council wish to place this issue before the voters of the City of Kearney, Nebraska for their decision at a special election to be held on October 11, 2011.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following question be submitted to the qualified electors of the City of Kearney at a special election to be held within the City on October 11, 2011:

(OFFICIAL SAMPLE BALLOT)  
OFFICIAL MUNICIPAL ELECTION BALLOT

CITY OF KEARNEY, NEBRASKA

Tuesday, October 11, 2011

Restaurant and Drinking Place Occupation Tax Proposal:

Shall the Mayor and City Council of the City of Kearney, Nebraska, impose a restaurant and drinking place occupation tax commencing December 1, 2011 in the amount of two percent (2%) to fund Community Betterment Purposes as defined in Section 9-604 of the Nebraska Revised Statutes?

Vote for or against the foregoing proposal:

- FOR said occupation tax
- AGAINST said occupation tax

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to certify the above issue to the Buffalo County Election Commissioner by August 19, 2011 in the manner and form provided in Nebraska Revised Statutes Section 32-559.

BE IT FURTHER RESOLVED that the Election Commissioner of Buffalo County, Nebraska, be and is hereby employed in accordance with Section 32-559, R.R.S. and is hereby authorized and directed to conduct the said special election, to appoint election officials, prepare and print ballots containing said question, provide for absentee ballots and do all other things necessary or proper to properly submit the foregoing question to the qualified electors of the City at said special election and to carry out the intent of this Resolution. The City does hereby agree to reimburse said Election Commissioner for the expenses of conducting the election.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**IV. CONSENT AGENDA**

Mayor Clouse stated that the agenda was amended on Monday to include Subsection 11 of the Consent Agenda to appoint Kevin Witte to fulfill the term vacated by Kristen Olmstead-Furstenberg.

Moved by Kearney seconded by Lammers that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held July 26, 2011.

2. Approve the following Claims:

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

Aflac \$2,815.56 ps; Alfred Benesch \$22,838.71 co; Amer Fence \$3,315.00 smcs; Analytical Services \$1,000.00 smcs; Anderson Bros \$954.66 smcs; Arctic Refrigeration

\$119.00 smcs; Associated Bag \$1,269.39 smcs; Baker & Taylor \$1,757.05 smcs; Bamford \$225.00 smcs; Beckenhauer,T \$14.93 smcs; Bells Curb Grinding \$1,200.00 co; Blessing \$84,164.45 co; Bluecross Blueshield \$130,563.17 smcs; Bosselman \$29,504.25 smcs; Broadfoot's \$2,201.00 smcs; Bruha,S \$750.00 smcs; Buffalo Co Court \$198.00 smcs; Buffalo Co Reg Deeds \$171.00 smcs; Buffalo Co Treasurer \$27.00 co; Builders Warehouse \$836.91 smcs,co; Capital One Bank \$125.00 smcs; Capstone Press \$733.62 smcs; Career Cruising \$795.00 smcs; Cash-Wa \$292.95 smcs; CH Diagnostic \$290.00 smcs; Charter \$178.48 smcs; Chesterman \$1,890.85 smcs; City of Ky \$296,812.42 smcs,co,ps; Construction Rental \$40.00 co; Credit Management Serv \$251.26 ps; Dady,G \$456.00 smcs; Dell \$5,926.15 co; Depository Trust \$5,592,181.26 ds; Dickey,P \$59.57 smcs; Dish Network \$58.16 smcs; DPC Industries \$6,167.19 smcs; Dugan Business Forms \$709.23 smcs; Eakes \$8,355.28 smcs,co; Ecolab \$36.00 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$914.96 smcs; Ellison,B \$17.00 smcs; Encore Funding \$12.70 ps; Fiddelke \$322.29 smcs; Flinn Paving \$3,884.95 smcs; Frontier \$40.54 smcs; Gale \$740.46 smcs; Gangwish Turf \$2,494.50 smcs; GE Money Bank \$1,003.61 smcs; Gillming,C \$31.00 smcs; Grey House Publishing \$227.95 smcs; Govt Finance Officers \$50.00 smcs; H&H Distributing \$2,485.65 smcs; Hasler \$13,186.00 co; HD Supply \$2,992.60 smcs; Hoehner Turf \$266.60 smcs; Hometown Leasing \$207.71 smcs; Hotsy Equipment \$525.00 smcs; HTMC \$128.00 smcs; ICMA RC \$3,807.95 ps; IRS \$119,532.10 ps; Interstate All Battery \$159.40 smcs; Jack Lederman \$469.27 smcs; James,D \$505.00 smcs; Jerry's Sport Center \$451.33 smcs; Ky Chamber Comm \$750.00 smcs; Ky Hub \$2,078.32 smcs; Ky United Way \$605.24 ps; Ky Visitors Bureau \$73,643.73 smcs; Konica Minolta \$478.01 smcs; Kreklow,J \$12.64 smcs; Krull Ins \$1,950.00 smcs; LCL Truck Equipment \$11,298.00 co; Lewis,R \$18.59 smcs; Loebig,J \$22.70 smcs; Logan Contractors \$1,138.40 smcs; Lundeen-Isaacson \$2,613.00 ps; Magic Cleaning \$1,700.00 smcs; Mail Express \$61.54 smcs; Mannington Mills \$4,475.31 smcs; Marshall,I \$31.00 smcs; Menards \$60.89 co; Meston,L \$4.00 smcs; Metlife \$6,756.31 ps; Mid-NE Aggregate \$604.98 smcs; Mid-NE Garage Doors \$131.00 smcs; Miller Signs \$75.00 smcs; Moonlight Embroidery \$1,787.25 smcs; Municipal Supply \$1,185.29 smcs,co; NE Child Support \$2,861.15 ps; NE Dept of Revenue \$85,647.79 smcs,ps; NE DOL/Boiler Inspection \$72.00 smcs; NE Safety & Fire \$95.00 smcs; NE Salt & Grain \$40,061.39 smcs; NEland Distributors \$2,441.30 smcs; Neopost \$3,000.00 smcs; NMC Exchange \$24,597.50 co; Noller Electric \$1,717.20 smcs; Northwestern Energy \$3,670.85 smcs; Omaha World Herald \$306.82 smcs; Outdoor Recreation \$4,050.00 co; Outrageous Cakes \$500.00 smcs; Overhead Door \$144.36 smcs; Paramount Linen \$56.22 smcs; Paulsen \$473,906.70 co; Payflex Systems \$531.25 ps; Peerless Machine \$4,231.70 smcs; Pitney Bowes \$47.60 smcs; Platte Valley Labs \$7,245.00 smcs; Powerplan \$1,300.30 smcs; Presto-X \$149.00 smcs; Pulliam,R \$40.00 smcs; Qualification Targets \$342.40 smcs; Quill \$131.97 smcs; Random House \$759.00 smcs; Ready Mixed Concrete \$173.34 smcs; Recorded Books \$1,280.89 smcs; Recovery Systems \$179.91 smcs; Reeves,B \$378.00 ps; Reineke,A \$73.03 smcs; Reinke's Heating \$285.00 smcs; Reynolds,M \$28.52 smcs; RMV Construction \$6,300.00 co; Rooks,J \$37.29 smcs; Salem Press \$335.00 smcs; Salter,J \$9.48 smcs; Sam's Club \$3,975.49 smcs; Schanou,J \$18.94 smcs; Snow,T \$50.00 smcs; Spelts-Schultz \$420.00 smcs; Springer Roofing \$26,504.00 co; State Fire Marshal \$350.00 smcs; State of NE/AS Central \$3,942.86 smcs; State Troopers Assn \$40.00 smcs; Steinbrink Landscaping \$185.00 smcs; Suchsland,T \$251.26 ps; Sun Life Financial \$43,242.59 smcs; Super Seer Corp \$36.71 smcs; Thompson Co \$104.25 smcs; Trew,D \$13.75 smcs; Tri-County Glass

\$20,296.50 smcs; Tye & Rademacher \$10,538.64 smcs; UPRR \$2,121.80 smcs,er; UNL \$40.00 smcs; Valmont \$17,512.00 co; Verizon Wireless \$1,032.24 smcs; Video Language \$213.80 smcs; Village Uniform \$543.80 smcs; Walters Electric \$797.24 smcs; Walton,T \$180.00 smcs; Wegner,S \$34.00 smcs; Zimmerman Printing \$1,141.14 smcs; Payroll Ending 7-30-2011 -- \$381,252.26. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

3. Approve the application for a Special Designated License submitted by Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Museum of Nebraska Art on September 10, 2011 from 5:00 p.m. until 11:00 p.m. for a reception.

4. Approve the Federal-Aid Transportation Fund Purchase-Sale Agreement between the City of Kearney and the Nebraska Department of Roads providing a way for NDOR to purchase federal funds currently used by Local Public Agencies in exchange for state cash and adopt **Resolution No. 2011-90.**

**RESOLUTION NO. 2011-90**

WHEREAS, each year the federal government makes available to Nebraska certain federal-aid transportation funds, including funds from the Surface Transportation Program (STP) and the Highway Bridge Program (HBP) (formerly known as the Highway Bridge Replacement and Rehabilitation Program), for use on State and local federal-aid transportation projects; and

WHEREAS, certain federal-aid STP and HBP funds have historically been made available to the LPA by the State for its use in funding federal-aid projects on the public streets or roads within its jurisdiction; and

WHEREAS, LPA and the NDOR wish to enter into an Agreement to provide for the purchase, at a discount, certain federal-aid dollars currently made available to the LPA; and

WHEREAS, the LPA is interested in selling its available federal-aid funds to the State on the terms and conditions set out in this Agreement, including certain limitations on the use of the cash received by the LPA; and

WHEREAS, the Board/Council has reviewed the Agreement and has determined that it is in its best interest to enter into the Agreement in the attached form.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor is hereby authorized to sign the attached Federal Funds Purchase Program Agreement between City of Kearney and the NDOR.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

5. Adopt the 2011-2012 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2011-2012 year and adopt **Resolution No. 2011-91.**

**RESOLUTION NO. 2011-91**

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 2010-2011 fiscal year was adopted by Resolution No. 2010-174 on September 14, 2010 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 2011-2012 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, 2011.

BE IT FURTHER RESOLVED that Resolution No. 2010-174 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

6. Approve Change Order No. 8 showing an increase in the amount of \$43,513.00 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. 2011-92.**

**RESOLUTION NO. 2011-92**

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. 8 showing an increase to the contract sum in the amount of \$43,513.00, 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)	+ 6,565.00
Change Order No. 4 (1-11-2011)	+ 15,556.00
Change Order No. 5 (1-11-2011)	+ 76,099.00
Change Order No. 6 (4-12-2011)	+ 14,494.00
Change Order No. 7 (7-26-2011)	+ 11,545.00
Change Order No. 8 (8-9-2011)	<u>+ 43,513.00</u>
Contract Sum to Date	\$4,642,620.00

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. 8, as shown on Exhibits "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**7. Adopt Resolution No. 2011-93** approving the University of Nebraska at Kearney Homecoming and Band Day Parade scheduled for September 24, 2011 at 10:00 a.m. beginning at Railroad Street and Central Avenue, north on Central Avenue to 27th Street, west on 27th Street and ending at the UNK Campus. Parking will be banned on Central Avenue from North Railroad Street to 25th Street beginning at 2:00 a.m. on the morning of September 24. The staging area to be closed beginning at 6:00 a.m. include Railroad Street from 4th Avenue to Avenue E, Avenues A, B, C and D from Railroad Street to 21st Street, 4th Avenue from Railroad Street to 21st Street, 3rd Avenue from Railroad Street to 22nd Street, and 1st Avenue from Railroad Street to 21st Street. This request will also allow for the selling of refreshments during the parade.

### **RESOLUTION NO. 2011-93**

WHEREAS, the City of Kearney has received and approved an application submitted by the University of Nebraska at Kearney to conduct a parade on September 24, 2011 beginning at 9:00 a.m. and ending at 12:00 p.m.; and

WHEREAS, the route for the parade will begin at Railroad Street and Central Avenue, north on Central Avenue to 27th Street, west on 27th Street and ending at the UNK Campus; and

WHEREAS, with the passage of LB 589, the City of Kearney accepts the duties of protecting the public from damage, injury, or death on September 24, 2011 beginning at 9:00 a.m. and ending at 12:00 p.m.; and

WHEREAS, the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30) and the intersection of 27th Street and 2nd Avenue (Highway 10) on September 24, 2011 from 9:00 p.m. until 12:00 p.m. and relinquish control of such state highway property to the state; and

WHEREAS, the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade; and

WHEREAS, the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Roads from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the said parade.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the parade scheduled for September 24, 2011 beginning at 9:00 a.m. and ending at 12:00 p.m. and that the City accepts the duties of protecting the public from damage, injury, or death associated with said parade.

BE IT FURTHER RESOLVED that the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30) and 27th Street and 2nd Avenue (Highway 10), on September 24, 2011 from 9:00 a.m. until 12:00 p.m. and that after such time the City will relinquish control of such state highway property to the state.

BE IT FURTHER RESOLVED that the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

BE IT FURTHER RESOLVED that the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Roads from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the said parade.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**8.** Grant a 30-foot Telecommunications Easement to the City of Kearney for a tract of land located in part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (TechOne Crossing) and adopt **Resolution No. 2011-94.**

**RESOLUTION NO. 2011-94**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Telecommunications Easement for the City of Kearney, Nebraska, a copy of the Easement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**9.** Grant a 5-foot Telecommunications Easement to NebraskaLink, Inc. for a tract of land located in part of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (TechOne Crossing) and adopt **Resolution No. 2011-95.**

**RESOLUTION NO. 2011-95**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Telecommunications Easement, on behalf of the City of Kearney, Nebraska, with NebraskaLink, Inc., a Nebraska Corporation, a copy of the Easement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**10.** Approve a Carrier Hotel Lease between the City of Kearney and NebraskaLink, Inc. to house telecommunications equipment and to connect fiber optic line to the Point

of Presence (POP) building located at TechOne Crossing and adopt **Resolution No. 2011-96.**

**RESOLUTION NO. 2011-96**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Carrier Hotel Lease, on behalf of the City of Kearney, Nebraska, with NebraskaLink, Inc., a Nebraska Corporation, a copy of the Carrier Hotel Lease, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**11.** Adopt **Resolution No. 2011-102** appointing Kevin Witte to fulfill the term of Kristin Olmstead-Furstenberg on the Advisory Board of Park & Recreation Commissioners.

**RESOLUTION NO. 2011-102**

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 currently exists on the Advisory Board of Park & Recreation Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Kevin Witte, as proposed by the Mayor of the City of Kearney, Nebraska, is hereby appointed to fulfill the term vacated by Kristen Olmstead-Furstenberg until July 31, 2012.

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

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**NAMING INCLUSIVE PLAYGROUND AT HARMON PARK**

Mayor Clouse opened for discussion the recommendation from the Advisory Board of

Park & Recreation Commissioners on naming the Inclusive Playground located at Harmon Park as "Leafie Mae's Playground" and to consider Resolution No. 2011-97.

City Manager Michael Morgan presented this matter to the Council. A request for naming the inclusive playground at Harmon Park has been made to the Park & Recreation Advisory Board. Scott Morris has agreed to donate approximately \$165,000 towards the project and would like the playground named after his grandmother, Leafie Mae, who suffered with rheumatoid arthritis. On July 21, 2011 the Park Board approved the requested naming and now forwards their recommendation to City Council for their approval.

Moved by Lammers seconded by Lear to approve the recommendation from the Advisory Board of Park & Recreation Commissioners on naming the Inclusive Playground located at Harmon Park as "Leafie Mae's Playground" and adopt **Resolution No. 2011-97**. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

### **RESOLUTION NO. 2011-97**

WHEREAS, it has been determined that the City of Kearney needed a policy in place setting forth the provisions for naming and/or renaming City facilities; and

WHEREAS, on March 13, 2007 the City Council adopted the "City of Kearney Municipal Facilities Naming/Renaming Policy"; and

WHEREAS, the City received an application submitted by Scott Morris for the naming of the Inclusive Playground at Harmon Park to the "Leafie Mae's Playground"; and

WHEREAS, the Park and Recreation Advisory Board met on July 21, 2011 to consider the application, and has forwarded the recommendation to the City Council that the application submitted for the naming of the Inclusive Playground at Harmon Park be named "Leafie Mae's Playground"; and

WHEREAS, the City Council discussed the naming of this facility at its meeting held on August 9, 2011 and determined it would be appropriate to name the Inclusive Playground located at Harmon Park as "Leafie Mae's Playground".

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the recommendation from the Park and Recreation Advisory Board on the application received.

BE IT FURTHER RESOLVED that the designation submitted for the Inclusive Playground located at Harmon Park be named "Leafie Mae's Playground".

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **REDEEMING GOLF COURSE BONDS**

Mayor Clouse opened for discussion the redemption of \$330,000 of City of Kearney Facilities Corporation Refunding Bonds, Series 2001 (Golf Course Bonds) on October 15, 2011 and to consider Resolution No. 2011-98.

Director of Finance Wendell Wessels presented this matter to the Council. The final principal payment of \$330,000 on the City of Kearney Facilities Corporation Refunding Bonds, Series 2001 is due and payable on April 15, 2012. This resolution, if approved by the City Council, will call said bonds for redemption and payment on October 15, 2011, after which date interest on the bonds will cease. The City will save \$7,177.50 on interest payments by paying the bonds off six months early. The payment on the called bonds has been included in the 2011-2012 budget.

Moved by Kearney seconded by Lammers to approve the redemption of \$330,000 of City of Kearney Facilities Corporation Refunding Bonds, Series 2001 (Golf Course Bonds) on October 15, 2011 and adopt **Resolution No. 2011-98**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

**RESOLUTION NO. 2011-98**

BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska:

Section 1. The following bonds issued pursuant to the terms of that Supplemental Mortgage, Trust Indenture and Security Agreement dated as of November 1, 2001 (the "Indenture") between City of Kearney Facilities Corporation (the "Corporation") and U.S. Bank National Association as trustee (the "Trustee"), in accordance with their redemption provisions and the terms of the Indenture are hereby directed to be called for redemption and payment on October 15, 2011, after which date interest on the bonds will cease:

City of Kearney Facilities Corporation Refunding Bonds, Series 2001, date of original issue - November 1, 2001, in the aggregate principal amount of Three Hundred Thirty Thousand Dollars (\$330,000), becoming due and bearing interest as follows:

<u>Maturity</u> <u>Date</u>	<u>Interest</u> <u>Rate</u>	<u>CUSIP</u> <u>Number</u>	<u>Principal Amount</u> <u>Called For</u> <u>Redemption</u>
April 15, 2012	4.35%	486898 BD 0	\$330,000

Said bonds are hereinafter referred to as the "Called Bonds."

The Called Bonds are subject to redemption at any time on or after November 1, 2006, at par and accrued interest, and said interest is payable semiannually.

The Called Bonds were issued for the purpose of refunding the Corporation's outstanding Refunding Bonds, Series 1995, outstanding in the principal amount of \$3,795,000 in order to obtain a savings in rental obligations for the City of Kearney, Nebraska by obtaining an interest savings for the Corporation. To the extent of the funds deposited with the Trustee for such redemption, the City hereby elects to make prepayment of basic rentals under the Lease-Purchase Agreement dated as of July 1, 1995 (assigned to the Trustee).

Section 2. The Called Bonds are to be paid off at the office of the Trustee in St. Paul, Minnesota (the "Trustee").

Section 3. A true copy of this resolution shall be filed immediately with the Trustee and the Trustee is hereby directed pursuant to Section 2 of Article III of the Indenture to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption and otherwise give any required notice (including notice to the Depository), all in accordance with the terms of the Indenture.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **RESOLUTION OF INTENT TO ANNEX 1316 WEST 11TH STREET**

Regular Agenda Items 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion Resolution No. 2011-98 on the intent to annex into the City limits a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 2 and the Northwest Quarter of the Northwest Quarter of Section 11, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1316 West 11th Street) and to set the public hearing date for August 23, 2011 at 7:00 p.m.

City Attorney Michael Tye presented this matter to the Council. Item 1 of the Regular Agenda pertains to the City of Kearney receiving an agreement from Craig and Christy Wegner favoring the annexation of their property located at 1316 West 11th Street. Item 2 of the Regular Agenda is the City receiving an agreement from O & O Farms favoring annexation of its property located at Avenue M and the North Channel of the Platte River. Item 3 of the Regular Agenda is property owned by the City of Kearney wanting to continue with the annexation of property which is located on the north bank of the North Channel of the Platte River and Avenue M. These properties should be annexed into the Kearney City limits as it is adjacent and contiguous to Kearney City limits and will be served by City services. This is the reason the Council accepted the agreements on June 14, 2011.

Section 16-117 of the Nebraska Revised Statutes provides for the process of annexation. These matters were first considered at a public hearing before the Planning Commission at their meeting held on July 22, 2011 and were recommended for approval. The second action in the process is for the City Council to consider passing resolutions stating its intent to annex, approve annexation plans, and to set a public hearing for comment on the proposed annexations before the City Council. The Resolutions of Intent, the Annexation Plans, along with the maps showing the current and proposed City limit boundaries were given to Council. The area in question will be served by City utilities. Accordingly, additional utility improvements will not be required.

Moved by Lear seconded by Buschkoetter to adopt **Resolution No. 2011-99** on the intent to annex into the City limits a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 2 and the Northwest Quarter of the Northwest Quarter

of Section 11, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1316 West 11th Street) and to set the public hearing date for August 23, 2011 at 7:00 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2011-99**

WHEREAS, the City of Kearney, Nebraska in accordance with Section 16-117 of the Nebraska Revised Statutes is considering the annexation of contiguous or adjacent lands, lots, tracts, streets or highway as are urban or suburban in character and a plan for extending city services to the following described tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 2 and the Northwest Quarter of the Northwest Quarter of Section 11, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 11; thence westerly on the North line of said Northwest Quarter a distance of 28.0 feet to the ACTUAL PLACE OF BEGINNING; thence northerly at right angles a distance of 18.72 feet to a point on the South line of 11th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence westerly on the aforesaid South line of 11th Street a distance of 122.02 feet; thence southerly parallel with the East line of said tract a distance of 21.62 feet to a point on the line common to Sections 2 and 11; thence continuing southerly on the afore described course and at right angles from the North line of the Northwest Quarter of the Northwest Quarter of said Section 11 a distance of 138.38 feet; thence easterly parallel with the North line of said Northwest Quarter of the Northwest Quarter a distance of 122.0 feet to a point; thence northerly at right angles from the aforesaid course a distance of 138.38 feet to the place of beginning, containing 0.444 acres, more or less; together with rights of ingress and egress and parking over and across the following described tract of land: Beginning at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West; thence southerly on the East line of said Northwest Quarter of the Northwest Quarter of said Section 11 a distance of 138.4 feet; thence westerly parallel with the North line of the Northwest Quarter of the Northwest Quarter of said Section a distance of 25.27 feet to the Southeast corner of the above described tract of land; thence northerly at right angles from the afore described course a distance of 138.38 feet to a point on the line common to Sections 2 and 11; thence continuing northerly on the afore described course produced a distance of 18.72 feet to a point on the South line of 11th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence easterly on the aforesaid South line a distance of 28.42 feet; thence southerly a distance of 18.06 feet to the place of beginning, all in Buffalo County, Nebraska (1316 West 11th Street); and

WHEREAS, the City Council will conduct a public hearing on August 23, 2011 at 7:00 p.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties and/or individuals; and

WHEREAS, the plan outlining the City services, including but not limited to: (a) water, sanitary sewer, storm sewer, refuse collection, are currently being provided and maintained by the City of Kearney and no additional utility improvements will be required; and (b) a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City and the general land use pattern in the

land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that a plan outlining the City services available to the above-described properties, together with a map showing the current boundaries of the City, a map showing the proposed boundaries of the City after annexation, and a map showing the general land use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED that a public hearing on the proposed annexation shall be held at 7:00 p.m. on August 23, 2011, or as soon thereafter as the matter may be heard, in the City Council Chambers located at City Hall, 18 East 22nd Street, Kearney, Nebraska to receive testimony from all interested parties and/or individuals.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to publish in the *Kearney Hub* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school board of the school district including the lands proposed for annexation.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**RESOLUTION OF INTENT TO ANNEX PROPERTY LOCATED AT AVENUE M AND THE NORTH CHANNEL OF THE PLATTE RIVER**

Regular Agenda Items 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion Resolution No. 2011-99 on the intent to annex into the City limits a tract of land located in part of Government Lot 3 in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Avenue M and the North Channel of the Platte River) and to set the public hearing date for August 23, 2011 at 7:00 p.m.

City Attorney Michael Tye presented this matter to the Council. Item 1 of the Regular Agenda pertains to the City of Kearney receiving an agreement from Craig and Christy Wegner favoring the annexation of their property located at 1316 West 11th Street. Item 2 of the Regular Agenda is the City receiving an agreement from O & O Farms favoring annexation of its property located at Avenue M and the North Channel of the Platte River. Item 3 of the Regular Agenda is property owned by the City of Kearney wanting to continue with the annexation of property which is located on the north bank of the North Channel of the Platte River and Avenue M. These properties should be annexed into the Kearney City limits as it is adjacent and contiguous to Kearney City limits and will be served by City services. This is the reason the Council accepted the agreements on June 14, 2011.

Section 16-117 of the Nebraska Revised Statutes provides for the process of annexation. These matters were first considered at a public hearing before the Planning Commission at their meeting held on July 22, 2011 and were recommended for approval. The second action in the process is for the City Council to consider passing resolutions stating its intent to annex, approve annexation plans, and to set a public hearing for comment on the proposed annexations before the City Council. The Resolutions of Intent, the Annexation Plans, along with the maps showing the current and proposed City limit boundaries were given to Council. The area in question will be served by City utilities. Accordingly, additional utility improvements will not be required.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2011-100** on the intent to annex into the City limits a tract of land located in part of Government Lot 3 in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Avenue M and the North Channel of the Platte River) and to set the public hearing date for August 23, 2011 at 7:00 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2011-100**

WHEREAS, the City of Kearney, Nebraska in accordance with Section 16-117 of the Nebraska Revised Statutes is considering the annexation of contiguous or adjacent lands, lots, tracts, streets or highway as are urban or suburban in character and a plan for extending city services to the following described tract of land located in part of Government Lot 3 in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Considering the west line of Government Lot 3 in Section 7 as assumed bearing S 00°55'04" E and with all bearings contained herein are relative thereto: Commencing at the Northwest corner of Government Lot 3 in Section 7; thence S 00°55'04" E on the west line of Government Lot 3 in Section 7 a distance of 799.07 feet to the Actual Point of Beginning, said point also being the southwesterly corner of a tract of land abutting the centerline of Avenue M described as Instrument No. 2011-90 and recorded in the Buffalo County Register of Deeds Office; thence S 00°55'04" E continuing on said west line a distance of 152.04 feet to the northwest corner of a tract of land described on roll 95, pages 3155-3159 and recorded in the Buffalo County Register of Deeds Office; thence N 89°04'56" E on the north line of said tract of land a distance of 275.00 feet to the northeast corner of said tract of land, thence S 00°55'04" E on the east line of said tract of land a distance of 227.65 feet to a point on the centerline of the existing channel of the North channel of the Platte River; thence S 72°11' E downstream and on centerline of said existing north channel a distance of 85.58 feet; thence S 89°31' E downstream and on centerline of said existing north channel a distance of 48.71 feet to a southwesterly corner of said tract of land described as Instrument No. 2011-90 and recorded in the Buffalo County Register of Deeds Office; thence N 00°04'31" W on westerly line of said tract of land a distance of 402.56 feet; thence S 89°55'29" W continuing on the southwesterly line of said tract of land a distance of 410.70 feet to the point of beginning, containing 2.15 acres, more or less, and is subject to all easements and rights-of-way on record, all in Buffalo County, Nebraska (Avenue M and the North Channel of the Platte River); and

WHEREAS, the City Council will conduct a public hearing on August 23, 2011 at 7:00 p.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties and/or individuals; and

WHEREAS, the plan outlining the City services, including but not limited to: (a) water, sanitary sewer, storm sewer, refuse collection, are currently being provided and maintained by the City of Kearney and no additional utility improvements will be required; and (b) a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City and the general land use pattern in the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that a plan outlining the City services available to the above-described properties, together with a map showing the current boundaries of the City, a map showing the proposed boundaries of the City after annexation, and a map showing the general land use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED that a public hearing on the proposed annexation shall be held at 7:00 p.m. on August 23, 2011, or as soon thereafter as the matter may be heard, in the City Council Chambers located at City Hall, 18 East 22nd Street, Kearney, Nebraska to receive testimony from all interested parties and/or individuals.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to publish in the *Kearney Hub* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school board of the school district including the lands proposed for annexation.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**RESOLUTION OF INTENT TO ANNEX PROPERTY KNOWN AS THE AVENUE M  
LIFT STATION**

Regular Agenda Items 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened for discussion Resolution No. 2011-100 on the intent to annex into the City limits a tract of land located in the Southwest Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (North Channel of the Platte River and Avenue M) and to set the public hearing date for August 23, 2011 at 7:00 p.m.

City Attorney Michael Tye presented this matter to the Council. Item 1 of the Regular Agenda pertains to the City of Kearney receiving an agreement from Craig and Christy Wegner favoring the annexation of their property located at 1316 West 11th Street. Item

2 of the Regular Agenda is the City receiving an agreement from O & O Farms favoring annexation of its property located at Avenue M and the North Channel of the Platte River. Item 3 of the Regular Agenda is property owned by the City of Kearney wanting to continue with the annexation of property which is located on the north bank of the North Channel of the Platte River and Avenue M. These properties should be annexed into the Kearney City limits as it is adjacent and contiguous to Kearney City limits and will be served by City services. This is the reason the Council accepted the agreements on June 14, 2011.

Section 16-117 of the Nebraska Revised Statutes provides for the process of annexation. These matters were first considered at a public hearing before the Planning Commission at their meeting held on July 22, 2011 and were recommended for approval. The second action in the process is for the City Council to consider passing resolutions stating its intent to annex, approve annexation plans, and to set a public hearing for comment on the proposed annexations before the City Council. The Resolutions of Intent, the Annexation Plans, along with the maps showing the current and proposed City limit boundaries were given to Council. The area in question will be served by City utilities. Accordingly, additional utility improvements will not be required.

Moved by Clouse seconded by Kearney to adopt **Resolution No. 2011-101** on the intent to annex into the City limits a tract of land located in the Southwest Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (North Channel of the Platte River and Avenue M) and to set the public hearing date for August 23, 2011 at 7:00 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

### **RESOLUTION NO. 2011-101**

WHEREAS, the City of Kearney, Nebraska in accordance with Section 16-117 of the Nebraska Revised Statutes is considering the annexation of contiguous or adjacent lands, lots, tracts, streets or highway as are urban or suburban in character and a plan for extending city services to the following described tract of land located in the Southwest Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Commencing at the southwest corner of said Section 7, thence 0°00'00"E along the west line of said Section 7 a distance of 1,500.02 feet to the true point of beginning; thence continuing 0°00'00"E on said west line a distance of 234.80 feet; thence S90°00'00"E a distance of 275.00 feet; thence S0°00'00"W to the south line of a tract owned by the City of Kearney as recorded in Book 151, Page 88 of the Buffalo County Register of Deeds; thence 67°21'30"W a distance of 297.96 feet to the point of beginning; except the south 66 feet of said tract as recorded in Book 151, Page 88; said tract containing 1.39 acres, more or less, and including 0.63 acres, more or less, of channel between the north and south banks of said channel, all in Buffalo County, Nebraska (on the north bank of the North Channel of the Platte River and Avenue M); and

WHEREAS, the City Council will conduct a public hearing on August 23, 2011 at 7:00 p.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties and/or individuals; and

WHEREAS, the plan outlining the City services, including but not limited to: (a) water, sanitary sewer, storm sewer, refuse collection, are currently being provided and

maintained by the City of Kearney and no additional utility improvements will be required; and (b) a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City and the general land use pattern in the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that a plan outlining the City services available to the above-described properties, together with a map showing the current boundaries of the City, a map showing the proposed boundaries of the City after annexation, and a map showing the general land use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED that a public hearing on the proposed annexation shall be held at 7:00 p.m. on August 23, 2011, or as soon thereafter as the matter may be heard, in the City Council Chambers located at City Hall, 18 East 22nd Street, Kearney, Nebraska to receive testimony from all interested parties and/or individuals.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to publish in the *Kearney Hub* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school board of the school district including the lands proposed for annexation.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**OPEN ACCOUNT CLAIMS: NPPD - \$351.66, PLATTE VALLEY STATE BANK - \$53,147.50, SCHOOL DISTRICT #7 - \$3,671.75**

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$53,147.50 payable to Platte Valley State Bank, and in the amount of \$351.66 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse and Lear abstained. Motion carried.

Moved by Lear seconded by Clouse that Open Account Claims in the amount of \$3671.75 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Kearney. Nay: None. Buschkoetter and Lammers abstained. Motion carried.

**VII. REPORTS**

None.

**VIII. ADJOURN**

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

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**