

*Kearney, Nebraska
June 26, 2012
7:00 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on June 26, 2012 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/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Director of Administrative Services were also present. Some of the citizens present in the audience included: Steve Homan, Mark Foradori, Marjorie Moss, Jon Bokenkamp, Peng Jin Cai, Tom Tye, Mark Benjamin, Bruce Lefler, Steve Altmaier from KGFW, Mary Jane Skala 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

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

ORAL COMMUNICATIONS – NEBRASKANS FOR THE ARTS

Steve Homan, 32 Red Fox Lane, stated that he supports the arts for a lot of reasons and serves the State as a Third District Representative for The Nebraska Arts Council which is a governor appointed position. He also serves on The Nebraska Cultural Endowment Board. About a year ago, it was decided at the national level to do a survey

that could measure the economic impact of arts in a community. This report talks about what the non-profit arts in Kearney/Buffalo County does and what is spent by people who attend those events. It is about \$9.7 million revenue which generates over \$800,000 in receipts for the state and local split. Economically, it is equivalent to about 281 full time employees. There were 17 businesses asked to participate and 15 did including organizations like MONA, The Archway, Kearney Community Theater, etc. The data for this report was based on 2010 and we have added some new things such as the Classic Car display by Cabela's and the World Theatre. He wanted to bring this to Council because since he has been on the Planning Commission, he sometimes gets the perception that not everyone appreciates how money is spent. He believes that Kearney is one of the few cities in Nebraska that supports the arts as much as the City Council does. He thanked the Council for supporting it and doing a good job of promoting it.

Marjorie Moss, Nebraskans for the Arts, stated \$9.7 million is the total industry expenditures of the economic impact by the Arts and Culture non-profit section in Buffalo Country. The report given to the Council was a result of a two part study that 15 organizations participated in from the City of Kearney. That number of participants represents 88% of the community which is remarkable. Tourism really does matter to Kearney/Buffalo County. The arts and cultural non-profit organizations are really the cornerstone of tourism.

Jon Bokenkamp, World Theatre Foundation, stated that their Foundation came to the Council and asked for \$25,000 of the ½ sales tax money. They were originally trying to raise \$150,000 to clean up the World Theatre so that it was not a closed venue. Because of the Council's support, that \$25,000 was leveraged into a \$300,000 Community Development Block Grant, \$100,000 from Peter Kiewit Foundation, \$10,000 from the UP Railroad, etc. They are now ready to open a \$1 million restoration of a really cool venue. They took the scenic road getting to where they are, but they ended up where they wanted to be. The World Theatre Foundation recently won a \$10,000 grant and was one of four communities in the nation that received that grant from Old Navy. Old Navy is also bringing in a 3-hour street fair event that will help celebrate the World Theatre opening. The street fair is to be held on July 14th and is about a \$50,000 event sponsored by a big box store coming downtown to spend money here. The quality of people this venue will bring to Kearney is a real asset. He thanked the Council and expressed his appreciation for their support in the infancy of this project and their continued support.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

LIQUOR LICENSE FOR GOURMET HOUSE JAPANESE CUISINE

Mayor Clouse opened the public hearing on the application for a Class I-98563 liquor license submitted by Fu Hing, LLC, dba Gourmet House Japanese Cuisine located at 1325 2nd Avenue, Suite D, consider the manager application for Peng Jin Cai, and

consider Resolution No. 2012-95.

Back in 2009 Adam Chan received a liquor license to conduct the business known as Gourmet House LLC, dba Gourmet House Japanese Cuisine located at 1325 2nd Avenue. He conducted business until he sold the business to Fu Hing, LLC, dba Gourmet House Japanese Cuisine on October 31, 2011.

According to the Liquor Commission, when they received the renewal form for the license on February 22, 2012 it was signed by Peng Jin Cai. Also on the renewal form, Mr. Cai indicated a change in the premise name to Fu Hing, LLC and a new phone number. However, the Liquor Commission issued the license and sent it to the City. The City, not aware of this change, called the business to pick up their license. Towards the end of April, Mr. Cai came to pick up the license and stated the information on the license was not correct. I explained to him that the Liquor Commission issued the license and I had no information that indicated otherwise. Mr. Cai paid for the license and left. It was at this point that I contacted the Liquor Commission and explained what had transpired and was told I should not have given him the license. I clarified that I had no indication the business had been sold and when the Liquor Commission issued the license I believed it to be correct.

On May 30 an investigator for the Liquor Commission made an inspection and determined that Mr. Cai was selling alcohol which he could not do since he did not apply for a license and must immediately stop selling. The investigator issued an administrative citation on the Gourmet House LLC license, for Adam Chan, for allowing another to operate on its liquor license.

On April 25, 2012 Fu Hing, LLC, dba Gourmet House Japanese Cuisine made application for a license to sell beer, wine and distilled spirits located at its facility, 1325 2nd Avenue, Suite D. The Police Department performed a background check on the applicants and a concern was found.

During the background investigation it was rumored that a violation and administrative citation had been issued against the Gourmet House Japanese Cuisine restaurant. In checking with Investigator Lori Rogers or the Nebraska State Patrol, she confirmed this. Through the administrative review process, it was determined that the business had been sold and that the new owners had apparently continued operations including the sale of alcoholic beverages on the previous owner's license. Her inspection and investigation confirmed this and an administrative citation was issued for the offense. The party involved, Mr. Cai, was advised of the violation and directed to re-submit an application for a new license for the business and himself as manager. In conversation, Inv. Rogers indicated that Mr. Cai had stated he did not understand this process. The process was fully explained to him again, and this is the matter now before the Council.

This is not a new license but the continuation of a current license under new ownership. The requirements and expectations of the Council for responsible service have been met at a baseline level. There is concern that Mr. Cai may not fully understand all expectations or requirements but as yet we have no evidence to the contrary. Although this rather complicated series of events creates concern, there is no evidence other than the administrative citation on which to recommend denial. The likelihood is great

that a license will be granted.

The City Council is concerned with the selling of alcohol to minors in our community, and wants to encourage all license holders to provide the necessary training to all employees that sell or dispense alcohol. City staff developed a form entitled "Liquor License Training Compliance" requiring applicants to document and verify training compliance of their employees. Mr. Cai has returned the attached form indicating he has received training and the Certificate of Training has been filed. He is in the process of hiring another person which will receive the training.

Attorney Tom Tye presented this matter to the Council. He stated there was a transition of the business ownership and during that process there was some confusion, perhaps a language barrier, as to what needed to happen during that process. An investigator came out and gave the Administrative citation to the prior owner, Adam Chan, not to Peng Jin Cai. That has now been resolved. Mr. Cai came to Tye's attorney office a couple of months ago to help him get this situation handled. Mr. Tye stated that all of Mr. Cai's documentation is in order. He has done the TIPS training and received the certificate. He also assured the Council they have spent quite a bit of time with Mr. Cai talking about the importance of compliance with liquor laws, especially in the City of Kearney. When Mr. Cai discovered there was this issue with the liquor license, he immediately stopped providing any alcohol until he went through the process with the Liquor Control Commission. Mr. Cai is the only person that would be providing alcohol on the premises. He is looking to hire another person who would also be required to go through the training and will be supervised by Mr. Cai. Mr. Tye stated they have relayed to him the importance that he is afforded by having this license and providing alcohol in the City of Kearney.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and adopt **Resolution No. 2012-95** recommending approval to the Nebraska Liquor Control Commission on the application for a Class I-98563 liquor license submitted by Fu Hing, LLC, dba Gourmet House Japanese Cuisine located at 1325 2nd Avenue, Suite D, and approve the manager application for Peng Jin Cai. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2012-95

WHEREAS, Fu Hing, LLC, dba Gourmet House Japanese Cuisine has filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for a Class I-98563 (Beer, Wine, Distilled Spirits, On and Off Sale) Liquor License to do business at 1325 2nd Avenue, Suite D, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, Fu Hing, LLC, dba Gourmet House Japanese Cuisine also filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Manager of Peng Jin Cai; and

WHEREAS, a hearing was held relating to said application on June 26, 2012 and the cost of the published notice was \$11.29.

NOW, THEREFORE, BE IT RESOLVED that the President and City Council of the City of Kearney, Nebraska approve or recommend approval to the Nebraska Liquor Control Commission of the issuance of a Class I-98563 (Beer, Wine, Distilled Spirits, On and Off Sale) Liquor License to Fu Hing, LLC, dba Gourmet House Japanese Cuisine located at 1325 2nd Avenue, Suite D, Kearney, Nebraska, and to approve the application for Manager of Peng Jin Cai.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to record the Council action favoring the issuance of said license in the Minute Record of the proceedings of the Council.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

CDBG 08-CR-004, 09-CR-004, 09-CR-104, 09-CR-204 AND 10-CR-004 SECOND HEARING

Mayor Clouse opened the public hearing to receive input on multiple Community Development Block Grants (08-CR-004, 09-CR-004, 09-CR-104, 09-CR-204 and 10-CR-004) that the City has received over the past several years.

Jacque Haupt from Miller & Associates presented this matter to the Council. She stated these five grants are all part of the Community Revitalization Program where the City receives allocated funds each year. One of the grants is a strategic plan that talks about the projects that will happen within a specific target area and are asked to implement them over the next three years with the next consecutive three grants. The 08-CR-004 grant was for sidewalks and handicap ramps. The 09-CR-004 was the strategic planning grant that would cover the next three consecutive years. The 09-CR-104, 204 and 004 followed up and were pooled together for the Central Avenue project. All were done within the targeted area. The reason for bringing this to the Council is to receive comments back on how they administered the grants. It is a CDBG requirement to have two public hearings, one before the application is submitted and one during or after the grant has been implemented.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing on the multiple Community Development Block Grants that the City has received over the past several years. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

SANITARY SEWER UTILITY INGRESS/EGRESS EASEMENT

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

Mayor Clouse opened the public hearing on the acquisition of an interest in real property by purchase, dedication or eminent domain for a permanent sanitary sewer utility ingress/egress easement of a tract of land being part of Lot 4 of Block One and

Outlot B, Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2012-96.

Director of Utilities Kirk Stocker presented this matter to the Council. The Developer of Spruce Hollow Estates and a property owner in Spruce Hollow Estates have decided that they would like to relocate the access easement in Outlot B that the City uses to access the sanitary sewer lift station to a side yard located between Lot 4 and Lot 5. The Utilities Department prefers this location because it is a shorter distance from the pavement to the sewer lift station than the easement located in Outlot B.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2012-96** on acquiring an interest in real property by purchase, dedication or eminent domain for a permanent sanitary sewer utility ingress/egress easement of a tract of land being part of Lot 4 of Block One and Outlot B, Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2012-96

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a permanent sanitary sewer utility ingress/egress easement located in Spruce Hollow Estates and voted in favor to proceed with the acquisition; and

WHEREAS, DT Development Inc., a Nebraska Corporation has granted to the City of Kearney, Nebraska a permanent sanitary sewer utility ingress/egress easement as follows:

Permanent Sanitary Sewer Utility Ingress/Egress Easement

A tract of land being part of Lot 4, Block One, Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of said Lot 4; thence Southeasterly along the Southwesterly line of said Lot 4, a distance of 238.04 feet; to the South line of said Lot 4 (also the Westerly Right-of-Way of 5th Avenue Place, a private drive platted on said Spruce Hollow Estates Addition); thence Northeasterly on said South line of Lot 4 along a non – tangent curve to the right having a central angle of 11° 32' 13", a radius of 50.00 feet, an arc length of 10.07 feet; and a chord bearing N41° 31' 37" E a distance of 10.05 feet to a point lying 10.00 feet measured perpendicular from said Southwest line of said Lot 4; thence Northwesterly parallel with said Southwest line a distance of 225.56 feet to the North line of said Lot 4; thence Westerly on said North line a distance of 16.80 feet to the Point of Beginning, all in Buffalo County, Nebraska.

And Also

A tract of land being part of Outlot 'B', Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: The South 25.00 feet of the North 75.00 feet of the East 50.00 feet of Outlot 'B', all in Buffalo County, Nebraska.

The Easement and Map, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the permanent sanitary sewer utility ingress/egress easement granted by DT Development Inc., a Nebraska Corporation to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

SANITARY SEWER UTILITY INGRESS/EGRESS EASEMENT

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

Mayor Clouse opened the public hearing on the acquisition of an interest in real property by purchase, dedication or eminent domain for a permanent sanitary sewer utility ingress/egress easement of a tract of land being part of Lot 5 of Block One, Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2012-97.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2012-97** on acquiring an interest in real property by purchase, dedication or eminent domain for a permanent sanitary sewer utility ingress/egress easement of a tract of land being part of Lot 5 of Block One, Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

RESOLUTION NO. 2012-97

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a permanent sanitary sewer utility ingress/egress easement located in Spruce Hollow Estates and voted in favor to proceed with the acquisition; and

WHEREAS, Troy A. Kluthe & Tammy R. Kluthe, Husband and Wife, have granted to the City of Kearney, Nebraska a permanent sanitary sewer utility ingress/egress easement as follows:

Permanent Sanitary Sewer Utility Ingress/Egress Easement

A tract of land being part of Lot 5, Block One, Spruce Hollow Estates Addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northerly most corner of said Lot 5; thence Southerly along the West line of said Lot 5, a distance of 50.00 feet; thence Northeasterly perpendicular to the North line of said Lot 5 a distance of 29.98 feet to a point lying 10.00 feet measured

perpendicularly from said North line; thence Southeasterly parallel with said North line a distance of 209.02 feet to the East line of said Lot 5 (also the Westerly Right-of-Way of 5th Avenue Place, a private drive platted on said Spruce Hollow Estates Addition); thence Northeasterly on said East line of Lot 5 along a non-tangent curve to the right having a central angle of 11° 32' 13", a radius of 50.00 feet, an arc length of 10.07 feet; and a chord bearing N29° 59' 24" E a distance of 10.05 feet to a point lying 10.00 feet to the Northeasterly line of said Lot 5; thence Northwesterly on said Northeasterly line a distance of 238.04 feet to the Point of Beginning, all in Buffalo County, Nebraska. The Easement and Map, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the permanent sanitary sewer utility ingress/egress easement granted by Troy A. Kluthe & Tammy R. Kluthe, Husband and Wife to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:

MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Kearney that Subsections 1 through 17 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 June 12, 2012.

2. Approve the following Claims:

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

3M \$2,895.00 smcs; 42photocom \$439.00 smcs; AT&T \$195.14 smcs; ABC Drug \$15.39 co; Ace Hardware \$169.73 smcs; Action Training \$244.23 smcs; Advance Auto Parts \$49.70 smcs; Agrium Advanced \$10,013.38 smcs; Alamar Uniforms \$472.25 smcs; All Makes Auto \$1,322.43 smcs; Amaton,J \$51.00 smcs; Amazon \$945.52 smcs,co; American \$273.35 smcs; Amer Fence \$1,050.00 smcs; Amer First Aid \$569.48 smcs; Amer Red Cross \$39.80 smcs; Amsan \$965.32 smcs; Analytical Services \$2,250.00 smcs; Anderson Bros \$2,381.60 smcs; Anderson Food Shops \$25.71 smcs; Anderson,T \$20.00 smcs; Antique City Amoco \$42.51 smcs; Apple Market \$18.62 smcs; Arbor Day Foundation \$144.29 smcs; Arrowhead Scientific \$438.00 smcs; Ask Supply \$2,972.64 smcs; Aurora Coop \$743.30 smcs; Avangatecom \$59.00 co; Avtech Marketing \$8,950.00 co; Bags and Bows \$128.54 smcs; Baker & Taylor \$3,632.76 smcs; Baltic Networks \$347.78 co; Baugh,A \$21.34 smcs; Bells Curb Grinding \$1,750.00 co; Berens-Tate Consulting \$2,000.00 smcs; Bert Gurney & Assoc

\$24,270.00 co; Big Apple Fun Center \$19.78 smcs; Blackstone Audiobooks \$273.00 smcs; Bluecross Blueshield \$161,383.98 smcs; Bosselman \$12,541.02 smcs; Broadfoot's \$1,019.25 smcs; Brodart Supplies \$101.99 smcs; Buckle \$1,664.20 smcs; Buffalo Co Treasurer \$10.00 smcs; Buffalo Outdoor Power \$754.13 smcs; Buggy Bath Car Wash \$18.50 smcs; Builders Warehouse \$1,577.04 smcs,co; Cabela's \$199.94 smcs; Capital Business Systems \$3,634.83 smcs,co; Capstone Press \$138.87 smcs; Carnes,H \$743.75 smcs; Carquest \$3,069.59 smcs; Cash-Wa \$2,375.92 smcs; CDW Govt \$1,216.01 co; Central Hydraulic \$524.43 smcs; Central NE Bobcat \$264.85 smcs; Charter \$54.99 smcs; Chesterman \$1,894.01 smcs; Chicago Faucet \$45.39 smcs; City of Ky \$28,740.36 co,smcs,ps; CMC \$131.16 smcs; Cold Spring Granite \$207.00 smcs; Comfort Inn \$500.00 smcs; Commercial Maintenance \$924.54 smcs; Community Action Partner \$8,485.50 smcs,co; Consec Life Ins \$19.00 ps; Consolidated Management \$19.00 smcs; Construction Rental \$1,767.52 smcs,co; Copycat Printing \$344.63 smcs; Crossroads \$182.27 smcs; Crow,R \$945.00 smcs; Culligan \$164.00 smcs; Cullum and Brown \$285.68 smcs; Cummins Central Power \$376.88 smcs; D&S Lighting \$45.00 smcs; Dahlgren \$29.65 smcs; Dairy Queen \$50.00 smcs; Dandee Concrete \$7,964.00 co; Dawson PPD \$31,528.07 smcs; Day,D \$2,210.00 smcs; Dell \$4,430.80 smcs,co; Demco \$304.22 smcs; Dennis,S \$56.34 smcs; Dent Popper \$1,050.00 co; Deterdings \$14,399.43 smcs; Diamond Vogel Paint \$169.74 smcs; Digital Intelligence \$407.84 smcs; Dish \$64.34 smcs; Dogpoopbagscom \$73.70 smcs; DPC Industries \$6,847.26 smcs; Dutton-Lainson \$337.78 smcs; Eakes \$3,017.08 smcs; Earl May \$13.98 smcs; Ecolab \$37.04 smcs; E-Filliate \$57.01 co; Elliott Equipment \$706.22 smcs; EMC Ins \$794.73 smcs; Enterprise \$95.49 smcs; Express Distributing \$66.00 smcs; Fairbanks \$8,906.62 smcs; Farmers Union Coop \$56.10 smcs; Fast Mart Lincoln \$85.68 smcs; Fastenal \$1,165.23 smcs; Fiddelke \$978.27 smcs; Fireguard \$1,335.73 smcs; Foster,E \$36.99 smcs; Frederick,B \$75.00 smcs; Frontier \$8,890.21 smcs; Fry & Associates \$192.62 co; Gale \$239.56 smcs; Galeton Gloves \$983.40 smcs; Galls \$27.42 smcs; Gangwish Turf \$39.60 smcs; Garrett Tires \$1,517.02 smcs; Gealys \$70.20 smcs; GMI Co \$40.23 smcs; Government Finance \$159.00 smcs; Graham Tire \$1,253.68 smcs; Grainger \$599.93 smcs; Great Plains One Call \$524.55 smcs; Great Plains Safety \$300.00 smcs; Grint,K \$132.64 smcs; Gronewaller,B \$276.00 smcs; H&H Distributing \$1,300.96 smcs; Harshbarger,D \$75.00 smcs; HD Supply \$7,280.09 smcs; Heggemeyer,L \$54.20 smcs; Henderson,J \$47.05 smcs; Hobby-Lobby \$159.71 smcs; Holmes Plumbing \$407.86 smcs; Horizon Designs \$427.80 smcs; Howard Tech \$389.00 co; I-80 Eppley Express \$350.00 smcs; ICMA RC \$3,855.71 ps; IRS \$122,347.74 ps; Interstate Power \$28.00 smcs; Int'l Society Arboriculture \$140.70 smcs; Jack Lederman \$214.64 smcs; JC Penney \$45.00 smcs; John Deere Landscapes \$806.75 smcs; Johnson Controls \$966.50 smcs; Johnson Hardware \$1,087.00 smcs; Johnson Service \$1,690.60 smcs; Johnson,H \$75.00 smcs; Johnstone Supply \$283.81 smcs; Jones,P \$95.00 smcs; K&K Parts \$533.02 smcs; Kart-Man \$972.25 smcs; Kaw Valley Greenhouses \$98.91 smcs; Ky Clinic \$1,182.00 co; Ky Concrete \$1,480.08 smcs; Ky Crete & Block \$398.10 smcs; Ky Hub \$4,161.53 smcs; Ky Implement \$5,620.77 smcs; Ky Warehouse \$2,745.45 smcs; Ky Winlectric \$29.57 smcs; Ky Winnelson \$293.65 smcs; Ky Yamaha \$112.95 smcs; Killion Motors \$133.20 smcs; Kimball Midwest \$146.50 smcs; Kindle \$24.28 smcs; Kirkham Michael \$61,485.38 co; Klingelhoef,L \$75.00 smcs; Kmart \$89.97 smcs; Konica Minolta \$402.86 smcs; Kowalek,G \$15.00 smcs; Krueger,L \$90.00 smcs; Lawn Builders \$18,826.99 co; LCL Truck Equipment \$347.43 co; Leeds,C \$90.00 smcs; Linweld \$414.53 smcs; Liveringhouse,S \$47.00 smcs; Lockmobile \$18.00 smcs; Logan

Contractors \$2,522.93 smcs; Loper Football \$1,920.00 smcs; Luke & Jake's BBQ \$45.00 smcs; Lundeen-Isaacson \$2,110.00 ps; Magic Cleaning \$5,560.00 smcs; Mail Express \$1,234.98 smcs; Marlatt Machine Shop \$269.79 smcs; Matheson Tri-Gas \$52.67 smcs; McCarty,D \$35.34 smcs; Menards \$2,229.55 smcs,co; Middleton Electric \$55.00 smcs; Miller & Associates \$1,000.00 smcs; Miller Signs \$50.00 smcs; Mirror Image \$25.00 smcs; Moonlight Embroidery \$466.50 smcs; Morris Press \$701.42 smcs; Municipal Supply \$1,349.70 smcs; Murphy Tractor \$95.11 smcs; Napa All Makes \$345.83 smcs; NASRO \$80.00 smcs; Nature-Watch \$480.26 smcs; NCL of Wisconsin \$439.72 smcs; NCS Equipment \$451.83 smcs,co; NE Child Support \$2,138.82 ps; NE Dept of Revenue \$46,837.25 smcs; NE Dept of Environmental \$275.00 smcs; NE Safety \$175.00 smcs; NE Truck Center \$790.12 smcs; NEland Distributors \$1,101.43 smcs; NeFSMA \$90.00 smcs; New World Systems \$54,738.27 co; Newegg \$155.98 co; Newell,R \$77.00 smcs; Nilson,D \$35.00 smcs; Norlab \$125.45 smcs; Norm's Plbg \$1,595.68 smcs; North Gate Vet \$233.00 smcs; NRG Media \$110.00 smcs; OCLC \$613.02 smcs; Office Max \$1,741.81 smcs,co; O'Keefe Elevator \$2,350.00 smcs; O'Reilly Automotive \$1,009.34 smcs; Oriental Trading \$784.16 smcs; Orscheln \$606.74 smcs; Paramount \$110.79 smcs; Party America \$9.32 smcs; Paypal \$615.60 co; Pep Co \$53.66 smcs; Pioneer Research \$1,371.76 smcs; Platte Valley Comm \$922.74 smcs,co; Postmaster \$260.00 smcs; Powerplan \$4,082.12 smcs; Pramac \$1,414.76 smcs; Press Books \$60.90 smcs; Presto-X \$201.90 smcs; Proactive Sports \$780.00 smcs; Provantage \$409.58 smcs,co; Quill \$90.91 smcs; Rainbow Racing \$65.79 smcs; Random House \$208.00 smcs; Raymond Geddes \$300.78 smcs; Reams \$793.76 smcs; Recognition Unlimited \$773.46 smcs,co; Recorded Books \$1,130.98 smcs; Recreonics \$98.03 smcs; Rhode Island Novelty \$663.35 smcs; RNDC-Eagle Division \$484.74 smcs; RNDC-Falcon Division \$322.42 smcs; RT Corp \$72.18 smcs; S&S Worldwide \$1,158.07 smcs; Safelite Autoglass \$50.00 smcs; Safetydoctorcom \$43.45 smcs; Sahling Kenworth \$35.38 smcs; Sapp Brothers \$29,832.40 smcs; Sargent Drilling \$16,847.73 smcs; Savely,J \$7.40 smcs; Scamehorn,M \$945.00 smcs; Seagatecom \$9.95 co; Sector Training \$750.00 smcs; Sherwin Williams \$289.23 smcs; Siemens Industry \$916.63 smcs; Sign Center \$258.39 smcs,co; Smith,C \$246.00 smcs; Snap-On Tools \$1,249.00 smcs; Sport Supply Group \$223.42 smcs; Stanley Works \$2,258.24 smcs; St of NE/Dept of Roads \$1,928.00 co; Steele,L \$36.40 smcs; Steinbrink Landscaping \$32,120.81 smcs,co; Steiner,E \$19.50 smcs; Sterling Distributing \$738.90 smcs; Stromberg,K \$35.00 smcs; Sungard Public Sector \$63,558.83 smcs; Sunmart \$80.06 smcs; Super Shine Auto Care \$35.05 smcs; Superior Signals \$1,160.00 smcs; Target \$545.42 smcs; Theis,J \$30.00 smcs; Tielke's Sandwiches \$75.68 smcs; Tighton Fastener \$22,457.50 co; Titleist \$130.19 smcs; Tractor-Supply \$978.94 smcs; Trade Winds Marina \$6.86 smcs; Trans Iowa Equipment \$916.46 smcs; Travelocity \$123.92 smcs; Tri City Outdoor Power \$213.59 smcs; Tri-County Glass \$2,193.12 smcs; TruGreen ChemLawn \$161.00 smcs; Union Bank & Trust \$56,516.09 ps; Unique Management \$411.70 smcs; University of Missouri \$15,000.00 smcs; UNK \$1,499.85 smcs; UPS Store \$26.19 smcs; USA Blue Book \$1,112.77 smcs; USPS \$136.12 smcs,co; Van Diest Supply \$1,379.97 smcs; Van Wall Equipment \$189.48 smcs; Verizon Wireless \$67.47 smcs; Walmart Supercenter \$2,840.18 smcs; Ward Laboratories \$19.25 smcs; Wastewater Services \$175.00 smcs; Wick's Sterling Trucks \$463.21 smcs; Wiegand Security \$90.00 smcs; Wilke's True Value \$70.83 smcs; Wolf,C \$50.00 smcs; Wooden,T \$1,081.45 smcs; WPCI \$210.50 ps; Yanda's Music \$518.99 smcs,co; Yellow Van Cleaning \$492.00 smcs; Young,J \$26.46 smcs; Yousendit \$109.99 smcs; Payroll Ending 6-16-2012 -- \$409,466.26. 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. Receive recommendations of Planning Commission and set July 10, 2012 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2012-98** accepting the public improvements constructed under, and in accordance with, the terms of the Developer Constructed Infrastructure Agreement for Lots 1 through 27 of Block 1, Lots 1 through 9 of Block Two, Lots 1 through 6 of Block 3, Lots 1 through 4 of Block 4, Lots 1 through 14 of Block 5, Lots 1 through 6 of Block 6, and Outlot A, all in Fountain Hills First Addition.

RESOLUTION NO. 2012-98

WHEREAS, on the 9th day of January, 2007 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2007-12 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Grandwest L.L.C. for the construction of paving, water and sanitary sewer main improvements for Lots 1 through 27 of Block 1, Lots 1 through 9 of Block Two, Lots 1 through 6 of Block 3, Lots 1 through 4 of Block 4, Lots 1 through 14 of Block 5, Lots 1 through 6 of Block 6, and Outlot A, all in Fountain Hills First Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney for Lots 1 through 27 of Block 1, Lots 1 through 9 of Block Two, Lots 1 through 6 of Block 3, Lots 1 through 4 of Block 4, Lots 1 through 14 of Block 5, Lots 1 through 6 of Block 6, and Outlot A, all in Fountain Hills First Addition, an addition to the City of Kearney, Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt **Resolution No. 2012-99** approving the Employment Agreement between the City of Kearney and Michael Morgan.

RESOLUTION NO. 2012-99

WHEREAS, the City Council of the City of Kearney, Nebraska, do hereby fix, prescribe and limit salary and wages to be paid by this City to the City Manager, pursuant to the authority granted in Section 1-301 of the Code of the City of Kearney, Nebraska, and Section 19-620 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager continue to be paid an annual salary of One Hundred Sixty-three Thousand Eighteen Dollars (\$163,018.00) effective July 1, 2012; said salary to be paid bi-weekly from any City funds in such proportionate amounts as the City Manager may determine.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the Employment Agreement.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt Resolution No. 2012-100 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Richard Poston, Trustee of the Richard L. Poston Revocable Trust and Stephen Beall for the construction of public infrastructure for Lots 2 and 3 of Block Five and Lots 1 through 4 of Block Six, Eastbrooke Eighth Addition; Lots 7 through 12 of Block One, Eastbrooke Eleventh Addition; and Lots 1 through 4 of Block Six, Eastbrooke Twelfth Addition.

RESOLUTION NO. 2012-100

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled Developer Constructed Infrastructure Agreement for Lots 2 and 3 of Block Five and Lots 1 through 4 of Block Six, Eastbrooke Eighth Addition; Lots 7 through 12 of Block One, Eastbrooke Eleventh Addition; and Lots 1 through 4 of Block Six, Eastbrooke Twelfth Addition, all in the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Richard Poston, Trustee of the Richard L. Poston Revocable Trust and Stephen Beall to construct paving, sanitary sewer, water and storm sewer to serve said property be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Richard Poston, Trustee of the Richard L. Poston Revocable Trust and Stephen Beall to construct said paving, sanitary sewer, water and storm sewer as stated above.

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

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the application submitted by Terry Broadfoot from Broadfoot Sand &

Gravel to extend Conditional Use Permit No. 2000-07 to operate a clay extraction operation at 70th Street and 30th Avenue for a period of two years.

8. Adopt Resolution No. 2012-101 approving Change Order No. 1 showing an increase in the amount of \$7,196.00, Application and Certificate for Payment No. 2 in the amount of \$192,812.40 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2011 Part 7 Improvements; 5th Avenue from North Railroad Street to 25th Street.

RESOLUTION NO. 2012-101

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2011 Part 7 Improvements; 5th Avenue from North Railroad Street to 25th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$7,196.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$192,812.40, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$854,474.00
Change Order No. 1 (6-26-2012)	+ <u>7,196.00</u>
Contract Sum To Date	861,670.00
Gross Amount Due	738,925.00
Retainage	73,892.50
Amount Due to Date	665,032.50
Less Previous Certificates for Payment	<u>472,220.10</u>
Current Payment Due	\$192,812.40

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1 as shown on Exhibit "A", and Application and Certificate for Payment No. 2, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt Resolution No. 2012-102 approving Application and Certificate for Payment No. 1 in the amount of \$122,169.11 submitted by Blessing LLC and approved by Miller & Associates for the 2011 Part 9 Improvements consisting of Paving Improvement District No. 2011-949 for 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition, Paving Improvement District No. 2011-950 for 17th Avenue from 49th Street Place north 522.66± feet, Water Connection District No. 2011-1 and Sanitary Sewer Connection District No. 2011-1 in 50th Street from the east line of 17th Avenue west 627.11± feet.

RESOLUTION NO. 2012-102

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2011 Part 9 Improvements consisting of Paving Improvement District No. 2011-949 for 50th Street from 17th Avenue west to the west line of Hoehner Estates Third Addition, Paving Improvement District No. 2011-950 for 17th Avenue from 49th Street Place north 522.66± feet, Water Connection District No. 2011-1 and Sanitary Sewer Connection District No. 2011-1 in 50th Street from the east line of 17th Avenue west 627.11± feet, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$122,169.11, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$662,615.50
Contract Sum To Date	662,615.50
Gross Amount Due	135,743.46
Retainage	13,574.35
Amount Due to Date	122,169.11
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$122,169.11

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

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve the Plans and Specifications for the Masonry Cleaning and Restoration project for the City of Kearney/Buffalo County Law Enforcement Center and set the bid opening date for July 19, 2012 at 2:00 p.m.

11. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits inside the KRAVE Underground located in the Kaufmann Center, 2202 Central Avenue on July 21, 2012 from 7:00 p.m. until 1:00 a.m. for a reception.

12. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits inside the KRAVE Underground located in the Kaufmann Center, 2202 Central Avenue on July 28, 2012 from 4:00 p.m. until 12:00 a.m. for a reception.

13. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the West Tower Dining Room

located at the Good Samaritan Hospital, 10 East 31st Street on August 11, 2012 from 6:00 p.m. until 10:00 p.m. for a reception.

14. Approve setting July 10, 2012 at 7:00 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2010-942, 2010-943, 2010-944, 2010-945; Water District No. 2010-561; and Sanitary Sewer District No. 2010-501.

15. Adopt **Resolution No. 2012-103** approving T-Hangar A-2 Lease Agreement between the City of Kearney and Buck Enterprises, dba Thrifty Car Rental.

RESOLUTION NO. 2012-103

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 T-Hangar A-2 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Buck Enterprises, dba Thrifty Car Rental, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 21, 2012 from 3:00 p.m. until 12:00 a.m. for a reunion.

17. Approve the application for a Special Designated License submitted by NIGHT LIFE CONCEPTS, INC., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits inside the Exposition Building and in an area what is designated on the diagram as a beer garden, demo arena and rodeo arena which is all adjacent to the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 26, 27, 28, 29, 2012 from 12:00 p.m. until 12:00 a.m. for the Buffalo County Fair.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 7731 COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2012

Bruce Lefler from Ameritas presented this matter to the Council. He stated this ordinance is to authorize the refinancing of Series 2006 Combined Utilities Revenue

Bonds that are outstanding. They are actually outstanding in a loan to the state fund for the well field project. There is principal outstanding of \$7,192,000. The outstanding loan is at an interest rate of 3.44%, there is also a 1% administration fee which equals 4.44% interest rate. The average debt service on this is a little under \$615,000 annually and a little over \$10 million left on the total payment of that loan. The 2012 Combined Utilities Revenue Refunding Bonds is in the amount of \$7.9 million. The biggest differential between the \$7.1 payout and the \$7.9 total bonds is in a revenue bond issue. They have to establish a reserve fund for these bonds that will be set aside in the amount of about \$600,000 that will be held by the City for the last payment. That \$600,000 can be invested by the Finance Director and any interest earned belongs to the City.

The SRF loan that is outstanding did not require the reserve fund to be held in place. The average interest rate now on the refunding bonds is 2.85% which would reduce the annual debt service down to \$571,000. This provides for net debt service savings to the City over the remaining term of the debt issued through December of 2028 (little over 15 years) of \$946,177. The bonds will amortize essentially over the same period as was outstanding between December 2012 and December 2028. The interest rate of the new refunding bonds starts at .35% in 2012 and .34% in 2028. The all in borrowing costs is 2.84% so it is a reduction of interest expense of 1.6% resulting in debt service savings of approximately \$950,000 over the remaining term. As usual there was good support on the sale from the local community. Out of \$7.9 million, about \$3.5 million was sold locally.

Council Member Kearney introduced Ordinance No. 7731, being Subsection 1 of Agenda Item VI authorizing the issuance of Combined Utilities Revenue Refunding Bonds, Series 2012, of the City of Kearney, Nebraska, in the aggregate principal amount of \$7,900,000 for the purpose of providing for the payment and redemption of the City's outstanding Combined Utilities Revenue Bonds, Series 2006; 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 2006 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 Lammers 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. 7731 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7731 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. 7731 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.

BUILDING INSPECTION SERVICES INTERLOCAL AGREEMENT

Mayor Clouse opened for discussion the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement allowing the City of Kearney to provide building inspection services to the City of Minden and consider Resolution No. 2012-104.

Assistant City Manager/Development Services Director Suzanne Brodine presented this matter to the Council. The City of Minden is currently without a building inspector. Although they do have a code inspector on staff, the employee needs additional classroom and field training before becoming certified and capable of appropriate interpretation and enforcement of building codes.

Development Services staff, at the request of Minden administration, has developed a short-term solution to provide inspection services to continue in Minden while local staffing issues are resolved. Kearney staff will provide plan review and building inspection services for up to 12 months. Minden has a limited number of new structures each year; accordingly, this interlocal agreement is restricted to five structures – either commercial or residential. The fee associated with these services represents the revenues that Kearney would anticipate from similar permits and covers the staff and travel expenses for the inspections. Additional inspections may be undertaken by Kearney staff at their discretion, for an additional fee paid by Minden.

Kearney staff has also invited Minden to send the code inspector to Kearney for field training with Kearney building inspectors.

Minden will pay a fee of \$6,500 to the City of Kearney for review and inspection services. Additional structures outside of the anticipated five (5) per year will require a fee of \$1,400 for each commercial structure and \$800 for each residential structure.

Moved by Lear seconded by Buschkoetter to adopt **Resolution No. 2012-104** approving the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement allowing the City of Kearney to provide building inspection services to the City of Minden. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2012-104

WHEREAS, the City of Minden is currently without a building inspector; and

WHEREAS, it has been determined to be in the interest of both communities that the City of Kearney staff will provide plan review and building inspection services for up to twelve (12) months; and

WHEREAS, the City of Kearney and the City of Minden have developed an Interlocal Agreement setting for the responsibilities of each community for building inspection services.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement, marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the said Interlocal Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REDEVELOPMENT PROJECT FOR LEVANDER'S BODY SHOP

Mayor Clouse opened for discussion the redevelopment project (Levander's Body Shop, LLC) for Redevelopment Area #5 for an area described as Lot 4, Great Western Addition to the City of Kearney, Buffalo County, Nebraska (2807 Avenue N) and consider Resolution No. 2012-105.

Assistant City Manager/Development Services Director presented this matter to the Council. Levander's Body Shop, LLC is considering constructing a 6,300 sq. ft. automotive body repair shop at 2807 Avenue N. The property is located on the former drive-in theatre property. Eligible costs include dirt work, landscaping, fencing, utilities, signage, aggregate surfacing, and paved parking. These costs pose a significant impact on development.

This project meets two objectives outlined in the Redevelopment Plan for Area #5, as amended to include Area #11:

- "Encourage the rehabilitation of deteriorating residential and industrial properties...Any structures deemed not cost-effective to rehabilitate should be targeted for demolition and replacement."
- "Create safety measures for pedestrians and traffic along the Avenue 'N' corridor..."

On June 20, the CRA considered the application and recommended that City Council approve Tax Increment Financing over 15 years, not to exceed \$45,000, and to authorize Community Redevelopment Authority Chairman Jon Abegglen to enter into a TIF contract with Levander's Body Shop, LLC.

The total new valuation of the property is estimated to be \$324,000.00. The most recent valuation was \$110,000.00 – creating an estimated new increment of \$214,000.00. The estimated new real estate taxes per year are \$4,575.00. Total estimated on-site eligible TIF expenditures are \$50,000.

Tax Increment Financing at 66% would generate \$3,019.05 per year for fifteen years, totaling \$45,292.50. Taxing authorities may see an immediate total revenue increase of \$1,555.95.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2012-105** approving the redevelopment project (Levander's Body Shop, LLC) for Redevelopment Area #5 for an area described as Lot 4, Great Western Addition to the City of Kearney, Buffalo County, Nebraska (2807 Avenue N). Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2012-105

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

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

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #5 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land described as Lot 4, Great Western Addition to the City of Kearney, Buffalo County, Nebraska; and

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

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land described as Lot 4, Great Western Addition to the City of Kearney, Buffalo County, Nebraska is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land described as Lot 4, Great Western Addition to the City of Kearney, Buffalo County, Nebraska shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

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

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

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

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

REDEVELOPMENT PROJECT FOR SIXTH STREET DEVELOPMENT

Mayor Clouse opened for discussion the redevelopment project (Sixth Street Development, LLC) for Redevelopment Area #5 for an area described as Lot 1, Great Western Second Addition to the City of Kearney, Buffalo County, Nebraska (2803 Avenue N) and consider Resolution No. 2012-106.

Assistant City Manager/Development Services Director presented this matter to the Council. Sixth Street Development, LLC is considering constructing a 380 unit self-storage facility, including six buildings and 68,700 sq. ft., and 40 open-air storage spaces at 2803 Avenue N. The property is located on the former drive-in theatre property, adjacent to the rail spur along the east of the parcel. Eligible costs including dirt work, landscaping, fencing, utilities, signage, aggregate surfacing, and paved parking. These costs pose a significant impact on development.

This project meets two objectives outlined in the Redevelopment Plan for Area #5, as amended to include Area #11:

- “Encourage the rehabilitation of deteriorating residential and industrial properties...Any structures deemed not cost-effective to rehabilitate should be targeted for demolition and replacement.”
- “Create safety measures for pedestrians and traffic along the Avenue ‘N’ corridor...”

The total new valuation of the property is estimated to be \$1,737,000.00. The most recent valuation was \$151,895.00 – creating an estimated new increment of \$1,585,105.00. The estimated new real estate taxes per year are \$33,893.65. Total estimated on-site eligible TIF expenditures are \$642,175.82.

On June 20, the CRA, the CRA considered the application and recommended that City Council approve the application for Tax Increment Financing of 85% over 15 years, not to exceed \$430,000, and to authorize Community Redevelopment Authority Chairman Jon Abegglen to enter into a TIF contract with Sixth Street Development, LLC.

Tax Increment Financing at 85% would generate \$28,809.60 per year for fifteen years, totaling \$432,144.04. Taxing authorities would see an immediate total revenue increase of \$5,084.05.

Moved by Clouse seconded by Kearney to adopt **Resolution No. 2012-106** approving the redevelopment project (Sixth Street Development, LLC) for Redevelopment Area #5 for an area described as Lot 1, Great Western Second Addition to the City of Kearney, Buffalo County, Nebraska (2803 Avenue N). Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2012-106

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban

redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

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

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #5 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land described as Lot 1, Great Western Second Addition to the City of Kearney, Buffalo County, Nebraska; and

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

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land described as Lot 1, Great Western Second Addition to the City of Kearney, Buffalo County, Nebraska is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land described as Lot 1, Great Western Second Addition to the City of Kearney, Buffalo County, Nebraska shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

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

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

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

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REDEVELOPMENT PROJECT FOR OLD TOWNE ENTERPRISES

Mayor Clouse opened for discussion the redevelopment project (Old Towne Enterprises, LLC) for Redevelopment Area #5 for an area described as Lot 7, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska (east of Junction Park and south of the railroad) and consider Resolution No. 2012-107.

Assistant City Manager/Development Services Director presented this matter to the Council. Old Towne Enterprises, LLC is considering constructing a 3,600 sq. ft. mini-storage facility on Glacier Park Addition, Lot 7. The property is located on Railroad Street South, east of Junction Park and south of the railroad. Eligible costs include dirt work, landscaping, fencing, lighting, and paved parking. These costs pose a significant impact on development.

This project meets two objectives outlined in the Redevelopment Plan for Area #5:

- “Provide assistance to property owners adversely impacted by the addition of a third railroad main line of the Union Pacific Railroad.”
- “Rehabilitation of commercial, industrial, and residential properties.”

On June 20, the CRA considered the application and recommended that City Council approve Tax Increment Financing of 85% over 15 years, not to exceed \$18,600, and to authorize Community Redevelopment Authority Chairman Jon Abegglen to enter into a TIF contract with Old Towne Enterprises, LLC.

The total new valuation of the property is estimated to be \$100,000. The most recent valuation was \$31,605 – creating an estimated new increment of \$68,395. The estimated new real estate taxes per year are \$1,462.20. Total estimated on-site eligible TIF expenditures are \$27,500.

Tax Increment Financing at 85% would generate \$1,242.87 per year for fifteen years, totaling \$18,643.05. Taxing authorities would see an immediate total revenue increase of \$219.33.

Moved by Kearney seconded by Lammers to adopt **Resolution No. 2012-107** approving the redevelopment project (Old Towne Enterprises, LLC) for Redevelopment Area #5 for an area described as Lot 7, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska (east of Junction Park and south of the railroad). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

RESOLUTION NO. 2012-107

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

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

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the “Authority”), has prepared a Redevelopment Plan for Area #5 pursuant to Section 18-2111 of the Act (“Redevelopment Plan”), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land described as Lot 7, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska; and

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

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land described as Lot 7, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land described as Lot 7, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or

indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

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

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

PASSED AND APPROVED THIS 26TH DAY OF JUNE, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS: NPPD - \$75,983.53, GOODWILL INDUSTRIES - \$7.22

Moved by Lammers seconded by Lear that the Open Account Claim in the amount of \$75,983.53 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Kearney, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

Moved by Lear seconded by Clouse that the Open Account Claim in the amount of \$7.22 payable to Goodwill Industries be allowed. Roll call resulted as follows: Aye: Clouse, Lammers, Lear, Kearney. Nay: None. Buschkoetter abstained. Motion carried.

VII. REPORTS

5TH AVENUE

City Manager Michael Morgan updated the Council on the 5th Avenue project. He stated that 5th Avenue is open well in advance of the earlier announced date. The City will be doing some additional street cleaning. He asked people to be patient with the dry conditions and the dust. It is a great improvement. The contractor did an outstanding job working with the neighborhood. He received reports from the neighbors that they did a good job with the driveways, sod, etc.

COMMUNITY OLYMPICS

Council member Lammers stated he wanted to congratulate Scott Hayden and the Park and Rec staff on a very successful Community Olympics. They had about 900 participants which is an exceptional turn out. It was a job well done.

CLOSED SESSION

Moved by Clouse seconded by Kearney that Council adjourn into closed session at 7:42 p.m. for the protection of the public interest to discuss real estate matters. Roll call

resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss real estate matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Clouse seconded by Kearney that Council reconvene in regular session at 8:03 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 8:03 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**