

*Kearney, Nebraska
February 26, 2013
7:00 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on February 26, 2013 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. 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; Shawna Erbsen, Administrative Services Director; Bruce Grupe, City Engineer were also present. Some of the citizens present in the audience included: Marvion Reichert, Lois Reichert, Jan Rochford, Carol Dart, Travis Evans, Brett Weiss, Jeff Lackey, Sharice Kucera, 6 CASA representatives, 5 White Water Association members, Steve Altmaier from KGFW, Adam Konruff from Kearney Hub, Nick Starling from NTV.

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 on the wall of the Council Chambers.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

SOZO AMERICAN CUISINE LIQUOR LICENSE

Mayor Clouse opened the public hearing on the Application for a Class I-101648 liquor license submitted by Sozo American Cuisine LLC, dba Sozo American Cuisine located at 110 South 2nd Avenue, consider the manager application for Travis Evans, and consider Resolution No. 2013-22.

Travis Evans presented this matter to the Council. This is a full service restaurant. They will be serving breakfast, lunch and dinner plus they have a lounge bar. This bar will serve the restaurant and the hotel. Their employees are going through the TIPS program with the Liquor Commission. They are using classroom style and will have all employees trained by March 17. Their policy is any employee who violates the liquor law by not carding for ID or selling to a minor is terminated immediately on site.

Council member Nikkila asked if Mr. Evans had previous experience overseeing a liquor license. Mr. Evans stated he did not have previous experience over a liquor license, but does have twelve years of restaurant experience. Nine of those years were with restaurants that had liquor licenses. He was fully aware of the laws and has gotten even more experienced with the standards, etc. that they need to follow by preparing to open this restaurant.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2013-22** recommending approval to the Nebraska Liquor Control Commission on the Application for a Class I-101648 liquor license submitted by Sozo American Cuisine LLC, dba Sozo American Cuisine located at 110 South 2nd Avenue, and approve the manager application for Travis Evans. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2013-22

WHEREAS, Sozo American Cuisine LLC, dba Sozo American 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-101648 Liquor License to do business at 110 South 2nd Avenue, Kearney, Nebraska, and has paid all fees and done all things required by law as provided in the Nebraska Liquor Control Act; and

WHEREAS, Sozo American Cuisine LLC, dba Sozo American Cuisine also filed with the Nebraska Liquor Control Commission and the City Clerk of the City of Kearney, Nebraska, an application for Manager of Travis Evans; and

WHEREAS, a hearing was held relating to said application on February 26, 2013 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-101648 Liquor License to Sozo American Cuisine LLC, dba Sozo American Cuisine located at 110 South 2nd Avenue, Kearney, Nebraska, and to approve the application for Manager of Travis Evans.

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 FEBRUARY, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

½¢ SALES TAX CAPITAL IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska.

City Manager Michael Morgan presented this matter to the Council. There is a lot of focus on street projects this year and more on the One and Six Year Plan which will be a high priority moving forward. The Council previously set a target on balances, reserves and specific project categories and they came very close over the past few years in meeting those goals. They also kept in range the amount of debt allowed. The City also keeps a separate list of identified, but unfunded projects. The good news is as they get out a few years, those unfunded projects look a lot better because there were many big projects funded earlier in this process. Fortunately all the projects, except for the street projects, are paid for with no debt being issued.

Council member Lammers stated it is anticipated that by 2016, the City should be in a position in the next few years to do projects like athletic fields, sports complexes and capital improvement items for the public. City Manager stated that in the 2016-2017 range, the City will be receiving additional street funds through the Transportation Program funding for streets. The exact amount is unknown, but the fund balance will start to increase. The challenge will be with the very large projects, such as the sports complex, because it would be difficult to do without issuing debt.

Council member Nikkila asked how many curb cuts the \$75,000 would provide. Director of Public Works Rod Wiederspan stated the cost depends on the part of town they are working on. He gave an example of doing the Pioneer Park neighborhood last year. That project was all flat and level and they did not have to replace a lot of sidewalk to get the proper slope. Approximately 125 curb cuts were done in that area. Typically, they can do 150 to 175 curb cuts a year. They had already started in the Plaza neighborhood last year when they were stopped by weather. The plan is to start in that area in the spring. They did so many last year, they actually spent some of this year's budget already. They do not really have the \$70,000 that was talked about; it is approximately \$65,000. They will finish the Plaza neighborhood and concentrate around some of the park areas to get those done.

City Manager stated staff could provide a report previously done by an intern who walked every street in town and identified every curb cut that needed to be done, as well as reflect all the ones that had been done. He suggested this could be a weekly report by the Public Works Department.

Director of Public Works stated they received a grant this year for the Emerson School area which has a lot of curb cuts in that block. They will continue to do these each year until they are all completed. Council member Nikkila stated he heard a lot of good comments from citizens about the curb cuts.

Jeff Lackey, 5601 Avenue N, stated he is a UNK graduate with a degree in Business Administration with emphasis in management. He is originally from Arcadia which is a very small town and he likes the size of Kearney; loves living here and would like to stay. He believed there were opportunities with some big businesses in Kearney, but not many. He believed that those companies in the eastern part of the state, like Lincoln and Omaha, have a better pull for him because they have opportunities that are better suited for him. He asked if there are ways to draw bigger companies into Kearney.

His other concern was housing. He has heard that families have come to Kearney for employment, but could not find housing. Although there are some apartment complexes being built, he did not think it is enough to keep up with new families moving into Kearney. He knows college graduates who would like to remain in Kearney and start saving to buy a home.

Mayor Clouse stated that some of the ½ cent sales tax dollars are going for the Data Center Park Project. Although it has not been decided for sure if Kearney is in it or not, the City continues to market the area and the Economic Development Director has been working very hard to recruit businesses. The development of that site in that area along Cherry Avenue is very important. He stated that as he looked through the list of improvement projects, they include quality of life types of things. He was aware there are more apartments coming soon. As that is developed in the private sector, the City needs to make sure to have the streets, trails and the parks in development to make those areas more attractive for citizens. How to keep our students in our community is at the forefront of discussion with the Development Council, the Chamber, the University and many others.

Council member Buschkoetter stated that things like park development will make the property around it much more valuable for housing development. All the road improvements being made by the City also helps the developers to focus on building structures and not on building streets. He restated the City continues to work hard on the Data Park site and appreciated Mr. Lackey holding them to task.

Council member Lammers stated that one thing that gets overlooked is that many existing businesses have expanded in Kearney such as; The Buckle, Marshall Engines, Cash-Wa Distributing, etc. They have tried to help out those businesses to expand in any way possible. In addition to getting new businesses, helping the existing businesses increase and be successful is equally important.

Council member Nikkila stated it is important to him as a young professional, to keep young people in town. One of the things he thought is so great about Kearney is that there is a mix of elderly, middle-aged and younger families which creates great diversity. Kearney is not going to maintain that diversity if we do not keep young people in town. It is definitely a priority for him. He also encouraged Mr. Lackey to contact Senator Hadley in Lincoln because the Legislature often considers different bills to keep young professionals in rural Nebraska. He knows of some people who are considering the intern programs to the state this year.

Sharice Kucera, 509 East 8th Street, presented on behalf of the Kearney Whitewater Association. She represents hundreds of community members who are hoping to see the Kearney Canal Tailrace and Turkey Creek become a recreational facility. More specifically, the Whitewater Park on the tailrace portion and whitewater feature west of the 2nd Avenue bridge.

As the City Council considers projects for the next few years, they are hoping this project can be considered as a capital improvement project in the grand scheme of things. They believe establishing a water trail on Turkey Creek up to the confluence to the Platte River would make a great addition to Kearney's park and trail system. Most of the necessary infrastructure, including the flow, natural drop and the location is already in place. Other requirements such as safe access, beautification and the whitewater features can easily be developed in that area. There are very few communities in Nebraska (actually in the country) that has something like Kearney does with the tailrace and Turkey Creek. There are hundreds of people in this community who are willing to help turn this area into a beautiful recreation area which is currently a little bit of a "trash receptacle". They believe it can be turned into a recreational and visual jewel of Kearney. They have formed their own non-profit organization and established an account with the Kearney Area Foundation.

Some of their goals are: clearing the Kearney Hydro tailrace and Turkey Creek of trash and potential hazards for recreational use, installing whitewater features on the tailrace, installing a whitewater feature on the west side of the 2nd Avenue bridge, providing safe access in the water in numerous areas and for viewing, the development of safe paddling skills, instruction, training and participation in canoeing and kayaking and other water recreational events, beautify and stabilize the banks, promote conservation of local water resources which includes instructing the public on everything that NPPD does. This would make the entire stream corridor part of the community park and trail system which works great because it is adjacent to the existing bike trail and they have such a great partnership with the trails. These goals would be done in stages in conjunction with NPPD and UNK. They also plan to apply for grants and raise lots of private funds. They do not have an estimate of cost at this time, because this is going to be done with an ongoing partnership with the City. They are not talking millions of dollars to get this started, but certainly do not want to limit what the City, NPPD and their association can do cooperatively in the future. This is an integral part of West Campus as well. She stated that other cities would have to pay millions for the water that exits there and is perfect for their proposal. She has found there are many people outside the City and outside the state that are interested in this.

Council member Buschkoetter asked what their relationship has been with civil engineers and hydrologists and what have those discussions been like. Ms. Kucera stated they have been trying to do everything in the right order. They are currently in discussions with the City, UNK and most importantly NPPD since they own a large portion of the property. NPPD had a similar study done in 2007 to address possibilities and most of those things were addressed in that study. That project was a little larger than their proposal since they are just using what is already there. Getting the necessary approvals is where they are now. Some of the short term things that people can do are help build relationships and spread the word about the project and how they might see the economic value in it. She believes once everyone is on the same page, it will help move it forward. One of the things the City could help with is equipment. Once they have approval, they would like to have the City make safer places for people to get in and out because there is a lot of interest in using this area. This is actually similar to the park system as we already have the trails and this will be considered a water trail so the only restrictions are hours of use before and after sunset. It is for use by all ages with no restrictions. She was not aware of any issues with any other whitewater parks which are popping up all over the nation.

Regarding the question about liability issues for the City and NPPD, she stated that LB564 was passed in 2007 and that protects any public entity from any liabilities. As long as this is being provided for free, it is absolutely 100 percent covered and also covers trails, parks and also NPPD because is a public entity.

City Attorney Michael Tye stated he did not know if it was quite that simple. He did not think that statute absolves the City from all liability because there could be questions of negligence due to things needing to be repaired, as well as management issues. He stated as that statute provides some protection; it would not absolve all liability. Council member Buschkoetter asked if we open it would we be responsible to maintain it. Mayor Clouse stated it has to be sustainable. There are many issues to be worked through. Mayor Clouse commented some of the cleanup was done last year on Turkey Creek using some grant money.

Marvion Reichert, 18 Rolling Hills, stated he would be for the whitewater project in Kearney. He stated that progress has been made on the skate park that he has brought up before. On behalf of the residents of Rolling Hills, he requested an access to the north so they do not have to cross the canal. He asked to put it on the One and Six Year Plan. He asked about it six years ago and was again requesting it from 30th Avenue to the line that Lynn Heiden has and she could get the rest of it done. If she could not, he would put the rest of it in for her. He believed it is important to be done.

There was no one present in opposition to this hearing.

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

ONE & SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the One & Six Year Street Improvement Plan and to consider Resolution No. 2013-23.

City Manager Michael Morgan stated they have had no requests for revisions since the last meeting. He clarified that the south Avenue M project will be included in the One Year Plan and will be funded. This includes a significant amount of development work. There are projects going on near Hy-Vee, 56th Street widening and the 52nd Street extension. It will be a very busy year ahead. Mayor Clouse stated they had talked about pulling Avenue M out and then brought it back in. It is a county project, but the City will have some responsibility to widen right at the intersection at 11th Street and that is why it is on the list.

Director of Public Works Rod Wiederspan stated that the bridge on Avenue M was replaced by the county approximately 20 years ago and is wide enough to accommodate the road section the county is going to build. If that road was ever widened out to a 4-lane section, then the bridge would have to have some work done to it. They are not anticipating that section of road will ever need to be 4-lane. It could possibly be a 2 or 3 lane because it just goes down to 1st Street and does not cross the Interstate.

Mayor Clouse questioned if it was wide enough because of the campground in the area. Director of Public Works stated that it is 30-foot wide which is enough for a 2-lane road. He added that he talked to the state today and they are anticipating they will start removing the next portion of 2nd Avenue on March 18. It is scheduled to be finished by July 1 which is well ahead of Cruise Nite and the 4th of July.

Council member Lammers asked if they have had any additional discussion with the county regarding Talmadge Road going west. City Manager stated there are some funds for Talmadge Road to repair the intersection at 2nd Avenue and Talmadge Road. The discussion asking the county for assistance to extend Talmadge Road further west was somewhat tied to the Avenue M project and prioritization. The City is going to go ahead and develop a plan so they can determine property owners, right-of-way acquisition and some estimated costs for the future. They do have some funds for future extension and the goal is to continue Talmadge Road all the way to Kea West Avenue.

Council member Nikkila stated in talking with some citizens, they did not know the difference between a developer project and a City project. He asked for an explanation of why they are on the plan and how they are paid for.

City Manager stated there a variety of ways. There can be developer infrastructure costs or an infrastructure agreement when these districts are created or assessments from the development projects. State law requires that the City submit their One and Six Year Plan in order to keep track of the City's paving projects. Generally, they are private in nature. The City has to fund a portion of those projects that are done by assessments to get them going. The City has to have the ability to borrow those funds in the future. At the end of the day, those projects are at no cost to the City and that is the reason they are listed on the Plan.

The City has specific projects. The projects on the One and Six can be funded a variety of ways. This is different from the sales tax plan which has some One and Six projects on it. There are also the department budgets that may have some things on it. There are also developer projects and grant projects. The developer projects are just what the

City has been informed about regarding their intent to proceed and that list goes on the plan. However, that project may get carried over to the next year because it does not get done. One of the challenges with this long list is the sheer magnitude of the work and whether it can all be completed this year.

Marvion Reichert, 18 Rolling Hills, stated that many people are happy with the stop sign that was placed on 39th Street. He asked if 11th Street from the highway to the school is on the One and Six Year Plan. He believed it will be in bad shape within six years. City Manager stated he did not think it was listed but after they get past the One year, the plan is fluid. They have a lot of projects on the list that will move into another source of funding in the future. That street has already begun to suffer, but there are others that are far worse than 11th Street.

Jeff Lackey, 5601 Avenue N, asked about updates on the Cherry Avenue exit. He knows when to avoid 2nd Avenue and go out around and use an alternate route. He wanted to know how Cherry Avenue was going to connect. He thought people going through might use that route to go around, but not stop in Kearney.

Director of Public Works Rod Wiederspan stated this is a state project and they will start the first phase in about three weeks. They have a lot of paving left to do where they connect the on-ramps and off-ramps and between the two bridges. They also have to do median work and mow strips around the median. It does not look like there is a lot to do, but the smaller stuff can take a lot of time. He anticipated them starting about the middle of March with a completion about the middle of July weather permitting, although the completion date is actually October. The second phase is the final design and the utilities design to relocate a number of water and sewer lines in the area. They are still scheduled to bid that one in September 2013 if they meet all the deadlines and get the right-of-ways because there are several involved in that second phase. If they get a bid in September, they could start the overpass this coming winter and work on it over the winter season. The third phase is scheduled in 2014 to bid and start construction. It is a one year project. The second phase is a two year project. Hopefully, if they get them coordinated at the same time, they can finish the rest of it and have it open in 2015. All this is subject to change. The location of the by-pass goes between Cabala's and Eaton's. It is on the west side of Cherry Avenue (as it exists today) about 200 feet west of that. So it is on a new alignment, not on any of the existing right-of-way that is out there. This is where all the right-of-way acquisitions come into play.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2013-23** approving One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2013-23

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

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 7:00 p.m. on February

26, 2013 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2014 and the Six Year City Street Plan ending September 30, 2019, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 16 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held February 12, 2013.
2. Approve the following Claims:

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

AT&T \$270.59 smcs; 911 Custom \$164.99 co; Ace Hardware \$5.78 smcs; Advance Auto Parts \$29.52 smcs; Air Delights \$218.43 co; Albrecht,H \$2,215.50 smcs; Alfred Benesch \$102,073.07 co; Amax Contracting \$694.30 smcs; Amazon \$505.04 smcs,co; American \$111.01 smcs,co; Amer Backflow \$70.00 smcs; Amer Fence \$90.96 smcs; Amer First Aid \$331.92 smcs; Amer Pavement \$5,000.00 co; AWWA \$170.00 smcs; Amsan \$450.72 smcs; APA Streaming Products \$888.00 smcs; Apex Superstores \$543.57 smcs,co; Apple Online Store \$99.00 smcs; Applemarket \$20.27 smcs; Arctic Refrigeration \$196.72 smcs; ASLA Member Services \$395.00 smcs; Aviva Life & Annuity \$1,220.00 ps; Bags & Bows \$245.08 smcs; Baker & Taylor Books \$3,129.95 smcs; Baltic Networks \$194.33 co; Bamford \$1,106.50 smcs; Barcodes Inc \$100.00 smcs; Bert Gurney & Associates \$44,750.00 smcs,co; Big Rack Shack \$468.29 smcs; Blackburn Mfg \$182.62 smcs; Bluecross Blueshield \$142,567.56 smcs; Bosselman \$28,638.75 smcs; Brigham Lofts \$204,302.00 smcs; Broadfoot's \$71.00 smcs; Brown,N \$34.80 smcs; Buffalo Co Reg Deeds \$92.00 smcs; Buffalo Outdoor Power \$195.44 smcs; Buggy Bath Car Wash \$23.00 smcs; Builders \$5,212.62 smcs; Cabela's \$32.08 smcs; Capital Business Systems \$103.55 smcs; Carquest \$3,585.06 smcs; CDW Govt \$610.59 smcs; Central Hydraulic \$380.75 smcs; Central NE Bobcat \$145.18 smcs; Charter \$285.16 smcs; Chesterman \$69.50 smcs; Chicken Coop \$40.00 smcs; Chief Supply \$565.00 smcs; City of Ky \$339,292.41 smcs,ps; Community Action Partner \$1,776.03 smcs,co; CompassCom \$50.00 smcs; Consolidated Plastics \$118.82 smcs; Constantcontactcom \$168.00 smcs; Cooperative Products \$482.73 smcs; Copycat Printing \$213.75 smcs; Cornhusker Garage \$18.00 smcs; Credit Management \$205.79 ps; Crete Public Library \$26.95 smcs; Crossroads Ford \$395.17 smcs; Crowd Control

\$25.00 smcs; Culligan \$110.00 smcs; Cummins Central Power \$326.64 smcs; D&S Lighting \$159.31 smcs; Dan Roeder Concrete \$291,557.55 co; Danko Emergency \$303.01 co; Dawson PPD \$23,138.12 smcs; Daylight Donuts \$153.30 smcs; Dell \$2,963.53 smcs; Demco \$753.18 smcs; DHHS \$80.00 smcs; Diamond Vogel Paint \$717.42 smcs; Dish \$69.65 smcs; Dogpoopbagscom \$276.81 smcs; Dollar-General \$6.14 smcs; Doubletree \$455.00 smcs; DPC Industries \$6,219.80 smcs; Dutton-Lainson \$637.80 smcs; Eakes \$1,200.62 smcs,co; Eirich, T \$168.00 smcs; Elliott Equipment \$6,554.99 smcs,co; Embassy Suites \$1,156.62 smcs; EMC Ins \$16,200.15 smcs; Eustis Body Shop \$325.00 smcs; Expression Wear \$126.00 smcs; Fairbanks \$1,331.11 smcs; Fantasys Southport \$92.63 smcs; Farmers Union Coop \$540.01 smcs; Fastenal \$726.96 smcs; Fastener Co \$28.50 smcs; Fedex \$16.46 smcs; Fiddelke \$219.48 smcs; Fillmore Co Senior \$25.00 smcs; Firecom \$630.00 smcs; Firehouse Cygnus \$59.90 smcs; Fitness 101 \$500.00 smcs; Fleetpride \$2,161.25 smcs; Freshwater Efilter \$164.24 smcs; Frontier \$171.69 smcs; Frontier Airlines \$193.01 smcs; Gale \$1,501.37 smcs; Galeton Gloves \$540.90 smcs; Galls \$129.58 ps; Garrett Tires \$4,661.58 smcs; GE Money Bank \$1,863.26 smcs; Georgia Mills \$212.80 smcs; Glowwithuscom \$217.49 smcs; Godaddycom \$66.84 smcs; Graham Tire \$374.20 smcs; Grainger \$785.36 smcs,co; Gray,C \$699.00 smcs; Great Lakes \$233.50 smcs; Guaranteedblindscom \$267.61 smcs; H&H Auto Parts \$200.00 smcs; Hach \$1,704.93 smcs; HD Supply \$5,711.24 smcs; Heiman Fire Equipment \$76.69 co; Hobby-Lobby \$105.16 smcs; Holmes Plumbing \$185.99 smcs,co; Home Depot \$152.56 smcs; Hotsy Equipment \$293.61 smcs; ICMA RC \$3,839.16 ps; IRS \$118,614.73 ps; J&A Traffic Products \$760.00 co; Jack Lederman \$2,562.17 smcs; Johnson Hardware \$1,560.00 smcs; Johstone Supply \$953.81 smcs; Jones Automotive \$226.38 co; Kart-Man \$994.28 smcs; Ky Centre Vac \$419.95 smcs; Ky Concrete \$2,658.05 smcs; Ky Housing Dev \$598.23 smcs; Ky Hub \$2,858.42 smcs; Ky Implement \$1,524.69 smcs; Ky Powersports \$122.95 smcs; Ky United Way \$714.04 ps; Ky Warehouse \$736.56 smcs; Ky Winlectric \$210.82 smcs,co; Kelly Supply \$13.59 smcs; Killion Motors \$615.76 smcs; Kimball Midwest \$197.02 smcs; Konica Minolta \$1,152.75 smcs; Kreutzer Plumbing \$32.00 smcs; Krueger,D \$168.00 smcs; Krull Ins \$3,900.00 smcs; Layne Christensen \$3,445.16 smcs; League of NE Municipalities \$105.00 smcs; Levanders Body Shop \$100.00 smcs; Lifeguard Store \$658.65 smcs; Lincoln Winwater Works \$1,565.68 smcs; Little,R \$104.54 smcs; Lockmobile \$32.00 smcs; Magic Cleaning \$7,600.00 smcs; Marlatt Machine Shop \$643.31 smcs,co; Matheson Tri-Gas \$425.07 smcs; Maul,E \$168.00 smcs; Meier,B \$200.00 smcs; Menards \$3,206.34 smcs; Meridian Library System \$20.00 smcs; Metlife \$7,698.59 ps; Microfilm Imaging \$780.00 smcs; Middleton Electric \$536.76 smcs; Mid-NE Garage Door \$450.00 smcs; Mid-State Engineering \$2,195.00 co; Midway Chevrolet \$129.56 smcs; Midwest Turf \$72.01 smcs; Miles,N \$38.00 smcs; Miller & Associates \$1,702.50 co; Miller Signs \$75.00 co; Municipal Supply \$1,095.85 smcs; Murphy Tractor \$71.23 smcs; Myseniorcentercom \$890.00 smcs; Napa All Makes \$105.51 smcs; Natl ITC \$195.00 smcs; Natl League of Cities \$440.00 smcs; Nationwide Office Supply \$1,295.78 smcs,co; NCL of Wisconsin \$301.15 smcs; NCS of Equipment \$688.89 smcs; NE Arborists Assn \$65.00 smcs; NE Assn of Senior Centers \$20.00 smcs; NE Cemetery Assn \$40.00 smcs; NE Child Support \$2,910.74 ps; NE Dept of Revenue \$68,519.05 smcs,ps; NE Equipment \$429.85 smcs; NE Fence \$745.00 smcs; NE Machinery \$1,503.84 smcs; NE Notary Assn \$154.23 smcs; NE Prof Licensing \$100.00 smcs; NE Truck Center \$439.80 smcs; NE Well Drillers \$301.00 smcs; NE Public Health \$313.00 smcs; Network Solutions \$379.90 smcs; New World Systems \$1,404.52 co; Newegg \$157.96 co; Northern Safety

\$229.14 smcs; Northwest Electric \$936.80 smcs; Northwestern Energy \$7,206.60 smcs; NRG Media \$52.00 smcs; OCLC \$604.79 smcs; Office Max \$413.83 smcs,co; Officenet \$708.25 smcs; One Call Concepts \$115.70 smcs; O'Reilly Auto \$13.16 smcs; Orscheln \$216.20 smcs; Overhead Door \$114.26 smcs; Owl System \$319.00 smcs; Paramount \$203.93 smcs; Payflex Systems \$552.50 smcs,ps; PCAN \$50.00 smcs; Pep Co \$56.54 smcs; Pet Kingdom \$278.99 smcs; Platte Valley Comm \$2,761.30 smcs,co; Presto-X \$467.11 smcs; Provantage \$190.43 smcs,co; Random House \$378.75 smcs; Rasmussen Mechanical \$100.00 smcs; Recognition Unlimited \$64.80 smcs; Recorded Books \$2,002.98 smcs; Region 12 Treasurer \$70.00 smcs; Restockitcom \$27.34 smcs; RKI Instruments \$407.75 smcs; Roesler,A \$73.40 smcs; SA Foster \$316.78 smcs; Sahling Kenworth \$1,286.60 smcs; Salina Blueprint \$382.28 smcs; Sanitation Products \$7,974.55 smcs; Sears \$17.50 smcs; Select Sprayers \$110.00 smcs; Sensus Metering \$212.50 smcs; Sherwin Williams \$40.46 smcs; Speedy Signs \$45.40 smcs; Stadler Implement \$56.16 smcs; Stencil Ease \$148.35 smcs; Strategic Materials \$352.84 smcs; Sunmart \$179.82 smcs; Sunnybunneastereggcom \$227.24 smcs; SYX Global Govt \$1,259.14 co; Target \$56.44 smcs,ps; Tessco \$34.38 co; Tessier,J \$30.46 smcs; Ticket Omaha \$953.00 smcs; Tractor-Supply \$274.17 smcs; Tri County Glass \$2,815.00 smcs; Tri-County Equipment \$92.05 smcs; Turner Body Shop \$245.00 smcs; Union Bank & Trust \$56,486.31 ps; Unique Management \$375.90 smcs; United \$716.70 smcs; UNL \$250.00 smcs; UNK \$220.07 ps; UNL Cari Registration \$180.00 smcs; UNL Marketplace \$32.59 smcs; UPS Store \$185.09 smcs; US Golf Assn \$110.00 smcs; US Plastics \$71.90 smcs; USPS \$262.15 smcs; Van Diest \$3,674.93 smcs; Van Wall Equipment \$195.03 smcs; Verizon Wireless \$92.46 smcs; Walmart \$1,398.37 smcs,co; Walton,T \$168.00 smcs; Watts,J \$35.00 smcs; White,A \$245.00 smcs; Wiegand Security \$90.00 smcs; Wilke's True Value \$230.10 smcs; Wilkins Hinrichs Stober \$27,060.00 co; WPCI \$210.50 ps; Yanda's Music \$36.98 co; Zimmerman Printers \$225.00 smcs; Payroll Ending 02-09-2013 -- \$339,988.51. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set March 12, 2013 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the request submitted by Stephanie Vavra to temporarily close 24th Street from 1st Avenue to Central Avenue, the parking lot located west of Cunningham's Journal, and the parking spaces on the east side of 1st Avenue from 23rd Street to 24th Street on June 29, 2013 from 9:00 a.m. until 5:00 p.m. for the 4th Annual HOPE Benefit.
5. Approve request submitted by the Shrine Bowl of Nebraska and the Kearney Visitors Bureau to conduct the 55th Annual Shrine Bowl Parade on June 1, 2013 beginning at 10:00 a.m. with the parade starting at Railroad Street and Central Avenue, north on Central Avenue to 24th Street, west on 24th Street to 1st Avenue, south on 1st Avenue to Railroad Street. The staging area will include the temporary closing of the following streets beginning at 6:00 a.m.: Central Avenue from Railroad Street to 25th Street, 1st Avenue from Railroad Street to 25th Street, 24th Street from Central Avenue to 1st Avenue, 3rd Avenue from Railroad Street to 20th Street, 4th Avenue from Railroad Street to 20th Street, Railroad Street from 5th Avenue to Avenue E, Avenues A, B, C and D from Railroad Street to 22nd Street.

6. Accept the report from the City Clerk on the insufficiency of objection/protest filed in connection with Ordinance No. 7783 creating Paving Improvement District No. 2013-961 for 57th Street from Avenue Q east to the east lot line of Lot 4 of Block One, Eastbrooke Twelfth Addition to the City of Kearney, Buffalo County, Nebraska.

7. Adopt **Resolution No. 2013-24** accepting the Certificate of Completion and Release submitted by American Pavement Solutions and approved by the Department of Aeronautics for AIP Project 3-31-0045-027; Terminal Apron Sealcoat, Miscellaneous Airfield Marking & Repairs at the Kearney Regional Airport.

RESOLUTION NO. 2013-24

WHEREAS, American Pavement Solutions from Green Bay, Wisconsin has performed services in connection with the Terminal Apron Sealcoat, Miscellaneous Airfield Marking & Repairs at the Kearney Regional Airport, and has now certified that the work is completed, as shown by Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby accepts the Certificate of Completion and Release as shown on Exhibit "A".

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Approve the Plans and Specifications for the construction of a new hangar located at the Kearney Regional Airport and set the bid opening date for April 2, 2013 at 2:00 p.m.

9. Approve the Plans and Specifications for the 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue and set the bid opening date for March 19, 2013 at 2:00 p.m.

10. Adopt **Resolution No. 2013-25** approving Change Order No. 1 showing an increase in the amount of \$29,869.00 submitted by Midlands Contracting and approved by Miller & Associates to include Water District No. 2013-569 in 20th Street from Avenue O east to the east line of Lot 8 of Block 13, Whiteaker's Grove Addition to the 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main.

RESOLUTION NO. 2013-25

WHEREAS, Midlands Contracting Inc. has performed services in connection with the 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main; and

WHEREAS, the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$29,869.00 to include Water District No. 2013-569 in 20th Street from Avenue O east to the east line of Lot 8 of Block 13, Whiteaker's Grove Addition to the 2012 Part 2 Improvements, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$682,026.50
Change Order No. 1 (2-26-2013)	<u>+ 29,869.00</u>
Contract Sum to Date	\$711,895.50

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 Exhibits "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt **Resolution No. 2013-26** approving the Developer Constructed Infrastructure Agreement for Oak Park Center between the City of Kearney and Sorensen Acres LLC, Co-Manager and Rodney Wiederspan, Co-Manager.

RESOLUTION NO. 2013-26

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Oak Park Center" between the City of Kearney and Sorensen Acres LLC, a Nebraska Limited Liability Company by and through Arlene Wiederspan, Co-Manager and Rodney Wiederspan, Co-Manager to construct the paving and storm sewer in the Roadway and Utility Easement from 56th Street southward into the development where said Easement will become 4th Avenue in the future when the property abutting it is platted be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Arlene Wiederspan and Rodney Wiederspan as Co-Managers of Sorensen Acres LLC to construct said improvements 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 FEBRUARY, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Adopt **Resolution No. 2013-27** approving the following Agricultural Leases at the Kearney Regional Airport from January 1, 2013 until December 31, 2013: B & B

Bendfeldt Farms, L.L.C. and Brenda Bendfeldt (239.8 irrigated acres); David Fleming (378.25 non-irrigated acres); David Fleming (276 irrigated acres); Gary Henderson (34 irrigated acres); Don Hendrickson (188 irrigated acres); Ron Hendrickson (75 dryland hay acres); Tom Larsen and Ted Larsen (61 under pivot irrigated acres and 64.5 non-irrigated acres); and Lee Potter (62 irrigated acres).

RESOLUTION NO. 2013-27

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed on behalf of the City of Kearney, Nebraska to execute the following Agriculture Lease Agreements on property located at the Kearney Regional Airport from January 1, 2013 until December 31, 2013:

- B & B Bendfeldt Farms, L.L.C. and Brenda Bendfeldt (239.8 irrigated acres) – annual cash rent is \$58,671;
- David R. Fleming (378.25 non-irrigated acres) – annual cash rent is \$41,600;
- David R. Fleming (276 irrigated acres) – annual cash rent is \$66,180;
- Gary Henderson (34 irrigated acres) – annual cash rent is \$7,821;
- Don Hendrickson (188 irrigated acres) – annual cash rent is \$43,239;
- Ron Hendrickson, dba “Agrident, Inc.” (75 acres dry land hay) – annual cash rent is \$4,500;
- Tom Larsen and Ted Larsen (61 under pivot irrigated acres and 64.5 non-irrigated acres) – annual cash rent is \$22,710;
- Lee Potter (62 irrigated acres) – annual cash rent is \$14,259;

A copy of the Agreements, marked Exhibits “1”, “2”, “3”, “4”, “5”, “6”, “7”, “8” are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Adopt **Resolution No. 2013-28** approving the Addendum to Kearney Raceway Park Lease Agreement to rent an additional 6.5 acres to the previous Agreement.

RESOLUTION NO. 2013-28

WHEREAS, the City of Kearney and Kearney Raceway Park (KRP) entered into a Lease Agreement in 2004 for certain property located on the abandoned runway on the east side of Airport property; and

WHEREAS, the City of Kearney and KRP have agreed to rent an additional 6.5 acres to KRP and that all the terms and conditions of the original Lease Agreement shall apply to this additional property.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Addendum to Kearney Raceway Park Lease Agreement be and is hereby approved with said Addendum expiring at the same time of the original Lease Agreement which is December 31, 2014. The Addendum to Kearney Raceway Park Lease Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. 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 March 15, 2013 from 12:00 p.m. until 12:00 a.m., March 16, 2013 from 10:00 a.m. until 12:00 a.m., and March 17, 2013 from 12:00 p.m. until 7:00 p.m. for a Bike Show.

15. 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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on March 16, 2013 from 10:00 a.m. until 12:00 a.m. for a Monster Truck Show.

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 Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on March 23, 2013 from 10:00 a.m. until 12:00 a.m. for a BBQ Event.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7785 SELL AIRPORT LAND TO COAL CHUTE PARK, LLC

Coal Chute Park, LLC recently purchased property adjacent to the Kearney Airport and has discovered that there is a small parcel of property that everyone thought was a part of the land being purchased as it was on the outside of the fences which have been in place at the Airport for a number of years. The land has been surveyed and has been determined that this parcel consists of approximately 1.96 acres and in order to clarify title and conform with the fence line that is in existence, Coal Chute Park, LLC (Ron Blessing) has proposed to purchase the 1.96 acres from the City of Kearney at a price of \$750 per acre or \$1,470. The loss of the 1.96 acres will not affect the operations at the Kearney Regional Airport.

Council Member Clouse introduced Ordinance No. 7785, being Subsection 1 of Agenda Item V selling a tract of land being part of the North Half of the Southeast Quarter, part of the North Half of the Southwest Quarter, part of Government Lot 1, part of Government Lot 2, part of Government Lot 3 and part of Government Lot 4, all located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska to Coal Chute Park, LLC., 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, Nikkila, Lammers, Buschkoetter, Lear. 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. 7785 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7785 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7785 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

BIG APPLE FUN CENTER; RECONSTRUCTION TO LIQUOR LICENSE

Mayor Clouse opened for discussion the Application for Reconstruction to Liquor License submitted by Apple Fun Center, Inc., dba Big Apple Fun Center located at 500 West 4th Street in connection with their Class C-24505 liquor license.

Gregg Johnson, owner of the Big Apple, presented this matter to the Council. He stated they have added an 80 x 80 foot building where the miniature golf course used to be. This will be an indoor area for laser tag and a party room. They hope to have it open very soon.

Mayor Clouse commended the Big Apple. They have not had a liquor violation since 1995 which is very good.

Moved by Nikkila seconded by Lear to approve the Application for Reconstruction to Liquor License submitted by Apple Fun Center, Inc., dba Big Apple Fun Center located at 500 West 4th Street in connection with their Class C-24505 liquor license. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ORDINANCE NO. 7786 AMENDING SECTION 3-1306 OF THE CITY CODE

Mayor Clouse opened for discussion proposed Ordinance No. 7786 amending Section 3-1306 "Alcoholic Beverages; Hours of Sale; New Year's Eve" of Article 13 "Alcoholic Beverages" of Chapter 3 "Business Regulations" of the Kearney City Code to allow for the selling and dispensing of alcoholic liquors between the hours of 7:00 a.m. on March 17 and 12:00 a.m. on March 18 when St. Patrick's Day falls on a Sunday.

City Manager Michael Morgan stated Section 3-1304 of the City Code allows for the

sale and dispensing of alcoholic liquors on Sundays between the hours of 12:00 noon until 12:00 midnight. Section 3-1306 of the City Code also provides that when New Year's Eve falls on a Sunday, the sale and dispensing of alcoholic liquors shall be permitted between the hours of 12:00 p.m. on December 31 and 1:00 a.m. on January 1.

This year St. Patrick's Day will fall on a Sunday. The City received a request seeking approval to allow the sale and dispensing of alcoholic liquors beginning at 7:00 a.m. instead of 12:00 noon on that Sunday. The proposed ordinance is to amend the City Code that would allow the selling and dispensing of alcoholic liquors between the hours of 7:00 a.m. on March 17 and 12:00 a.m. on March 18 when St. Patrick's Day falls on a Sunday.

City Manager Michael Morgan stated the City received this request and is being presented to Council for consideration. The Council had previously chosen 12:00 noon on Sunday with the exception of New Year's Eve to sell alcohol. This request is for liquor hours of 7:00 a.m. on March 17 until 12:00 a.m. on March 18 when St. Patrick's Day falls on a Sunday is open for discussion.

Council member Lammers stated he did not believe they need to expand the consumption of alcohol on Sundays during typical morning church hours. He was not in favor of expanding liquor sales on Sundays when it was discussed. From his own moral and ethical standpoint, he does not believe it is something they need to do. At the time it was approved, he brought to the Council's attention that in New Mexico they did studies where the number of sales of liquor products actually did not increase by going to Sunday sales. All it did was spread the sales out for seven days versus six days. He was not in favor of approving this item.

Council member Buschkoetter stated that this is an occasional one day occurrence. If he owned a bar on St. Patrick's Day, he would not expect to have the business that would be done on any other day of the week. He agreed Sunday is still church day and not one of those things most people would do. He did not believe for one day a year it is going to be a major problem, nor is it a major statement that the Council is endorsing the level of imbibing on Sunday mornings. He trusts people to make their own decisions and use their best judgments.

Mayor Clouse agreed he did not have a problem with this, but he would not be down there.

Council member Lear introduced Ordinance No. 7786, being Subsection 2 of Agenda Item VI amending Section 3-1306 "Alcoholic Beverages; Hours of Sale; New Year's Eve" of Article 13 "Alcoholic Beverages" of Chapter 3 "Business Regulations" of the Kearney City Code to allow for the selling and dispensing of alcoholic liquors between the hours of 7:00 a.m. on March 17 and 12:00 a.m. on March 18 when St. Patrick's Day falls on a Sunday, 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, Lear, Nikkila, Buschkoetter. Nay: Lammers. 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. 7786 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: Lammers. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7786 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7786 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.

OPEN ACCOUNT CLAIM: NPPD - \$7,083.11

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$7,083.11 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council member Nikkila stated he recently attended the League of Municipalities meeting and it was good to see the Visitor's Bureau at that event where they promoted Kearney and our facilities to cities that plan events.

VIII. ADJOURN

Moved by Lammers seconded by Nikkila that Council adjourn at 7:59 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**