

**Kearney, Nebraska**  
**August 25, 2015**  
**5:30 p.m.**

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on August 25, 2015 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, and Jonathan Nikkila. Absent: Bob Lammers. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Shawna Erbsen, Administrative Services Director; and Mike Klaus, IT Manager were also present. Some of the citizens present in the audience included: Eric Hellriegel, Justin Owen, Steve Altmaier from KGFW Radio, Amanda Brandt from Kearney Hub, Brent Wiethorn from KKPR Radio.

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/MOMENT OF SILENCE**

With the absence of a minister, the Council held a moment of silence.

### **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**

#### **CONDITIONAL USE PERMIT TO VERIZON WIRELESS FOR 3208 CHERRY AVENUE**

Mayor Clouse opened the public hearing on the Application submitted by NE Colorado Cellular, dba Viaero Wireless and Verizon Wireless for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-2, General Industrial District and described as Lot 1, Kearney East Viaero Subdivision to the City of Kearney, Buffalo County, Nebraska (3208 Cherry Avenue) and consider Ordinance No. 8014.

Justin Owen presented this matter to the Council. He stated it is a standard co-location on an existing tower; there is no increase in the tower height. It will consist of adding antennas and feed lines to the tower and a shelter at the base of the tower. It is located on the southwest corner of the railroad tracks and Cherry Avenue.

Council Member Buschkoetter asked about the additional shelter. Mr. Owen stated there is currently a building there and he believes Viaero has outdoor cabinets instead of a shelter but they would be adding an additional shelter approximately 12' x 26' and is single story pre-fab.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by NE Colorado Cellular, dba Viaero Wireless and Verizon Wireless for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-2, General Industrial District and described as Lot 1, Kearney East Viaero Subdivision to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 8014 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8014. 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: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8014 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: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8014 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8014 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.

### **COMMUNITY REVITALIZATION GRANT APPLICATION**

Mayor Clouse opened the public hearing for the purpose of submitting an application to the Nebraska Department of Economic Development for the Community Revitalization program for the paving of Avenue E and from 25th Street to 27th Street and consider Resolution No. 2015-168.

Eric Hellriegel from Miller & Associates presented this matter to the Council. He was presenting the annual Comprehensive Revitalization Grant application hearing. This concludes a 3-year strategy for Comprehensive Revitalization projects. This particular project is going to require the surfacing of Avenue E from approximately 25th Street North to 27th Street. The project was identified as part of the citizens review in correlation with the City's One & Six Year Street Plan, input from City staff, and the neighborhood. The City is seeking \$175,000 with the grant application, the City will match \$324,000 to complete the project.

Council Member Buschkoetter asked about the time frame. Mr. Hellriegel stated they will submit the grant later this week and will probably receive notice of approval approximately middle to late October so they will start on design of that project over the winter months. It will be bid over the winter months probably with a spring construction date.

It could go into the summer depending on if they want to time it around the school being in session. As they get into design they will discuss with the School District and City staff that they minimize the disruptions to the school.

Council Member Nikkila asked about sidewalks. Mr. Hellriegel stated that is part of the project as well. There have been several other improvements to the neighborhood in regards to ADA ramps and other sidewalks in that area. The neighborhood is really getting improved from the pedestrian access and this is just another extension of that work that has been previously completed.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing for the purpose of submitting an application to the Nebraska Department of Economic Development for the Community Revitalization program for the paving of Avenue E and from 25th Street to 27th Street and adopt **Resolution No. 2015-168**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

**RESOLUTION NO. 2015-168**

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$175,000 for street improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

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 Nikkila that Subsections 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

1. Approve Minutes of Regular Meeting held August 11, 2015.

2. Approve the following Claims:

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

1000bulbs.com \$73.47 smcs; 4Imprint \$856.80 smcs; 911 Custom \$82.50 smcs; Ace Hardware \$177.36 smcs; Advance Auto Parts \$39.21 smcs; Agri Coop \$3,357.51 smcs; Alamar \$652.47 smcs, ps; Alaska Air \$1,230.80 smcs; Al-Jon Mfg \$438.25 smcs; All Makes Auto \$3,975.79 smcs; Amazon \$2,029.60 smcs, co; Ambrose,S \$41.07 smcs; American \$62.37 smcs; Amer First Aid \$549.77 smcs; Anderson Bros Electric \$186.00 smcs; Anderson,S \$80.23 smcs; Anderson,T \$357.00 smcs; Anderson,T \$48.26 smcs; Apple Market \$43.69 smcs; Applegate,J \$56.73 smcs; Appliance Service Center \$450.00 smcs; Arnsdorf,M \$64.74 smcs; Arvato Windows \$99.99 co; Ask Supply \$2,486.70 smcs; Aurora Coop \$72.48 smcs; Aussie Hydraulics \$313.72 smcs; Auto Value \$122.50 smcs; Backhuus,B \$49.36 smcs; Baker & Taylor \$2,517.06 smcs; Baristas \$24.14 smcs; Basketcode \$49.97 smcs; Baum,C \$56.13 smcs; Beesons Equipment \$11,240.00 smcs; Bells Construction \$680.00 co; Big Rack Shack \$161.75

smcs; Biglasers.com \$174.50 smcs; Bittner,J \$29.97 smcs; BlueCross/BlueShield \$174,636.13 smcs; Boogaarts \$11.86 smcs; Bosselman \$5,191.20 smcs; Bourret,T \$37.47 smcs; Braden,M \$32.14 smcs; Brilliance Publishing \$71.96 smcs; Broadfoots \$515.00 smcs; Brock Electric \$372.11 smcs; Bruce,T \$63.21 smcs; BSK Holdings \$40.82 smcs; Buffalo Outdoor Power \$1,193.18 smcs; Builders \$1,776.59 smcs,co; Butler-Palu,J \$41.03 smcs; Buysm Sod \$577.50 smcs; Capital Business \$401.50 smcs; Carmody,K \$317.39 smcs; Carquest \$1,335.26 smcs; Casady,M \$39.03 smcs; Casey's General Store \$91.17 smcs; Cash-Wa \$2,082.76 smcs; Caudillo,J \$93.60 smcs; Cenex \$20.47 smcs; Cengage Learning \$206.22 smcs; Center Point Publishing \$72.06 smcs; Central Hydraulic \$596.42 smcs; Central NE Bobcat \$102.61 smcs; Central State Group \$1,654.96 smcs; Central States Investments \$23.00 smcs; Century 21 Midlands \$66.03 smcs; Charter \$972.53 smcs; Chesterman \$1,277.85 smcs; Chicken Coop \$50.00 co; Chief Supply \$522.18 smcs; Cintas \$248.44 smcs; City Glass \$110.87 smcs; City of Ky \$34,503.22 co,smcs,ps; Clark Enersen \$37,686.04 co; Coast To Coast \$543.00 smcs; Coldspring \$909.40 smcs; Coleman \$26.53 smcs; Comcate \$6,473.95 smcs; Compasscom \$50.00 smcs; Connolly,K \$45.88 smcs; Conseco Life \$19.00 ps; Consolidated Management \$195.50 smcs; Construction Rental \$1,000.56 smcs, co; Cooperative Producers \$456.98 smcs; Copperhead Properties \$130.04 smcs; Copycat \$819.28 smcs; Country Inn & Suite \$500.41 smcs; Credit Management \$382.29 ps; Culligan \$102.50 smcs; Cummings,A \$68.12 smcs; Cummins Central Power \$704.46 smcs; Daake,R \$40.82 smcs; Danko Emergency \$3,144.00 smcs; Davis,A \$45.28 smcs; Davis,R \$28.11 smcs; Dawson PPD \$46,146.10 smcs; Daylight Donuts \$47.56 smcs; Days Inn & Suites \$621.15 smcs; Decker,A \$18.99 smcs; Dell \$917.28 co; Depository Trust \$3,725.00 ds; Deterdings \$1,487.13 smcs; Dicks Sporting Goods \$64.18 smcs; Digicert \$175.00 smcs; Diamond Vogel \$129.62 smcs; Disctech \$98.21 co; Dish \$100.00 smcs; Dowhy Towing \$765.00 smcs; DPC Industries \$6,593.81 smcs; Dultmeier Sales \$168.56 smcs; Dutton-Lainson \$36.08 smcs; Eakes \$5,096.28 smcs; Elliott Equipment \$1,328.65 smcs; Ensley Electrical \$5,062.40 co; Enterprise \$130.24 smcs; Eustis Body Shop \$100.00 smcs; Facebook \$32.83 smcs; Fairbanks \$570.00 smcs; Family Fresh Market \$90.84 smcs; Fastenal \$1,273.45 smcs; Faz,A \$543.10 smcs; Fedex \$95.47 smcs; Felsburg Holt & Ullevig \$1,381.34 smcs; Fiddelke \$112.90 smcs; Fisk,K \$40.13 smcs; Fleming,K \$37.85 smcs; Foster,D \$69.55 smcs; Fountain Hills \$65.16 smcs; Franzen,A \$60.00 smcs; Friesen Chevrolet \$203.00 smcs; Frontier \$9,724.46 smcs; Garrett Tires \$4,669.77 smcs; Gear for Sports \$390.08 smcs; General Traffic Controls \$1,147.50 smcs; Global Computer \$1,404.50 co; Global Industrial \$109.05 smcs; Govt Finance \$15.00 smcs; Grainger \$783.55 smcs; Granicus \$5,325.81 smcs; Grombacher,K \$650.00 smcs; Grow NE \$31.15 smcs; Guider,S \$45.00 smcs; Gunnink,H \$48.15 smcs; H&H Distributing \$1,587.96 smcs; H&M Mail \$433.90 smcs; Haines,K \$33.57 smcs; Hanson,J \$51.34 smcs; Hartman,N \$39.75 smcs; Hastings,C \$36.87 smcs; Hausmann Construction \$58.90 smcs; HD Supply \$5,058.96 smcs; Hepburn,T \$41.89 smcs; Hilliard,E \$58.30 smcs; Hilltop Mall \$109.14 smcs; Hobby-Lobby \$388.56 smcs; Hollman Media \$2,666.00 smcs; Holmes Plbg \$883.64 smcs, co; Hometown Leasing \$265.92 smcs; Howell,S \$5.53 smcs; Howland,R \$115.06 smcs; Humphrey,D \$73.60 smcs; Hy Vee \$320.83 smcs; ICMA Internet \$1,310.00 smcs; ICMA RC \$4,276.42 ps; Icom America \$225.00 smcs; Idexx Distribution \$213.67 smcs; Inland Truck Parts \$1,962.74 smcs; IPMA \$1,281.13 smcs; IRS \$144,161.95 ps; Jack Lederman \$988.61 smcs; Jackson,J \$30.79 smcs; John Deere Landscapes \$3,349.33 smcs, co; Johnson,J \$105.00 smcs; Johnstone Supply \$69.03 smcs; Just Blinds \$156.00 co; Kabes,C \$26.64 smcs; KASAA \$12.15 smcs; Ky Chamber Comm \$139.00

smcs; Ky Clinic \$583.00 ps; Ky Concrete \$17,095.50 smcs, co; Ky Crete & Block \$1,973.53 smcs,co; Ky Hub \$4,623.66 smcs; Ky Humane Society \$7,166.25 smcs; Ky Power Sports \$286.50 smcs; Ky Rental Pros \$122.06 smcs; Ky Towing & Repair \$600.00 smcs; Ky Warehouse \$999.62 smcs; Ky Winlectric \$48.05 smcs, co; Ky Winnelson \$121.70 smcs, co; Kelly Supply \$702.67 smcs; Kemps,T \$691.69 co; Kennedy,J \$12.69 smcs; Kielbasinski,C \$8.94 smcs; King Investments \$73.73 smcs; KM Online \$389.98 smcs; Knispel,J \$18.61 smcs; Konica Minolta \$188.51 smcs; Kouassi,B \$26.68 smcs; Kriz Davis \$492.20 smcs; Krolikowski,B \$21.53 smcs; Kruciak,A \$17.56 smcs; Krull,D \$103.55 smcs; Landmark Implement \$765.92 smcs; Lands End \$139.10 smcs; Langan,B \$20.19 smcs; Laue,M \$42.77 smcs; Lawson Products \$234.69 smcs; Lee,A \$4.01 smcs; Lemburg,E \$19.77 smcs; Lewis,D \$40.95 smcs; Lewis,L \$31.43 smcs; Lids Team Sports \$564.00 smcs; Liljehorn,J \$26.91 smcs; Lincoln Chamber Comm \$285.00 smcs; Little Caesars \$112.94 smcs; Lowes \$350.95 smcs; Lundeen-Isaacson \$2,856.00 ps; Lynch,D \$844.24 smcs; M & E Construction \$85.74 smcs; Machines & Media \$141.00 smcs; Maessner,J \$357.00 smcs; Mail Express \$8,120.50 smcs; Marlatt Machine Shop \$990.00 smcs; Matheson \$776.07 smcs; Mead Lumber \$35.83 smcs; Medicbatteries.com \$296.28 smcs; Meents,T \$38.34 smcs; Menards \$1,818.39 smcs,co; Merryman \$96.93 smcs; Michael Burke \$7,300.00 smcs; Midnight Cleaning \$250.00 smcs; Mid-Plains Equipment \$550.00 smcs; Midway Chrysler \$105.93 smcs; Midwest Mailing \$1,942.00 smcs; Midwest Turf \$195.94 smcs; Miller & Associates \$9,858.95 smcs,co; Miller Signs \$300.00 smcs; Miller,A \$400.00 smcs; Miller,R \$46.52 smcs; Miller,S \$12.69 smcs; Milner Distribution \$253.84 smcs; Minor,S \$101.41 smcs; Miracle Recreation \$732.95 co; Mirror Image Car Wash \$325.60 smcs; Misty Mountain \$185.63 smcs; Molina,O \$67.71 smcs; Monzon,M \$35.60 smcs; Moonlight Embroidery \$1,646.50 smcs; Moore O'Connor Const \$275.78 smcs; Moran,J \$97.82 smcs; Morgan,M \$189.75 smcs; Most Dependable Fountains \$47.50 smcs; Municipal Supply \$3,514.24 smcs; MONA \$2,575.09 smcs; Navigator Motorcoaches \$175.00 smcs; Navrkal,C \$11.64 smcs; NCL of Wisconsin \$466.22 smcs; NE Child Support \$2,504.82 ps; NE City Manager Assn \$100.00 smcs; NE Dept of Labor \$140.00 smcs; NE Machinery \$80.75 smcs; NE Notary Assn \$154.23 smcs; NE Salt & Grain \$6,080.26 smcs; NE State Library Assn \$19.10 smcs; NE Truck Center \$667.90 smcs; NE Turfgrass Assoc. \$60.00 smcs; NEland Distributors \$1,096.70 smcs; Nelson,T \$50.88 smcs; Newell,B \$10.49 smcs; NLETC \$50.00 smcs; Nordhues,B \$61.58 smcs; Northwestern Energy \$4,141.07 smcs; NRG Media \$54.00 smcs; NRPA-Congress \$385.00 smcs; NSF Ticket Office \$594.00 smcs; Nuttleman Fencing \$1,907.41 smcs; OCLC \$630.59 smcs; Office Depot \$224.56 smcs,co; Office Max \$837.41 smcs, co; Officenet \$1,152.76 smcs; O'Hara Lindsay & Assoc \$2,000.00 smcs; Olson,B \$35.85 smcs; Olsson Associates \$23,638.09 co; Omaha Print \$58.29 smcs; One Call Concepts \$583.05 smcs; Oran,G \$63.59 smcs; O'Reilly Auto \$1,338.34 smcs; Oreshkov,N \$73.60 smcs; Oriental Trading \$455.32 smcs; Original Peach Tree \$469.03 smcs; Orscheln \$536.66 smcs,co; Oshkosch \$398.11 smcs; Otto Environmental \$15,662.50 smcs; Ourdesign.com \$27.95 ps; Outdoor Recreation \$62,179.00 co; Overhead Door \$186.40 smcs; Paramount \$1,115.34 smcs; Payne,T \$39.56 smcs; Paypal-Ebay Marktplc \$2,145.24 smcs,co; Paypal-Igotbats \$235.00 smcs; Pedalboat.com \$166.24 smcs; Peterson,B \$60.00 smcs; Peterson,J \$42.29 smcs; PGA Member Info \$968.00 smcs; Pictometry \$375.00 co; Pitney Bowes \$90.00 smcs; Platt Electric \$147.44 smcs; Platte Valley Auto Mart \$771.16 smcs; Platte Valley Comm \$1,026.82 smcs,co; Pot O'Gold \$620.00 smcs; Potter,M \$4.50 smcs; Presto-X \$513.49 smcs; Prososki,C \$8.25 smcs; Provantage \$5,893.42 smcs; Quill \$504.83 smcs; Randall,T \$44.05 smcs; Random

House \$151.50 smcs; Ready Mixed Concrete \$23,186.27 smcs,co; Reams \$2,447.88 smcs,co; Recognition Unlimited \$26.27 smcs; Recorded Books \$1,134.65 smcs; Redbox \$3.21 smcs; Reed,J \$38.92 smcs; Restroom Direct \$164.44 smcs; Rivera,R \$39.93 smcs; Robert Brooke & Assoc \$292.33 smcs; Ruiz,G \$2.71 smcs; Ruskamp,C \$59.48 smcs; S&J Rentals \$51.48 smcs; Safelite Autoglass \$245.15 smcs; Sage,P \$96.29 smcs; Sahling Kenworth \$63.95 smcs; Sandhill Plastics \$20.00 smcs; Sanitation Products \$414.25 smcs; Sapp Bros \$16,230.12 smcs; SBF \$90.00 smcs; Schwans \$2,695.01 smcs; Sears \$155.99 smcs; See Clear Cleaning \$2,050.00 smcs; Sell,J \$10.76 smcs; Sherwin Williams \$760.66 smcs; SHRM \$190.00 smcs; Shubert,H \$55.00 smcs; Sickler,J \$57.37 smcs; Siddons Martin Emergency \$2,471.00 smcs; Sign Center \$338.00 smcs,co; Sindt,R \$32.81 smcs; Sirchie Finger Print Lab \$300.98 smcs; Smalley,J \$53.17 smcs; Smith,S \$36.25 smcs; Sobotka,J \$72.29 smcs; Sonetics \$787.96 smcs; Sorensen,T \$71.45 smcs; SOS Portable Toilets \$210.00 smcs; Sostad,J \$111.01 smcs; Southland Electrical \$197.18 smcs; Stadler Implement \$58.45 smcs; Stamps.com \$4.99 smcs; Staples \$64.19 smcs; Starostka,D \$40.82 smcs; Steinbrink Landscaping \$395.40 smcs; Steinbrook,S \$357.00 smcs; Strategic Materials \$342.50 smcs; Streakwave Wireless \$131.08 co; Suburban Fire Protection \$11,502.00 smcs,ps; Sun Development \$69.72 smcs; Sunbelt Rentals \$206.79 smcs; Superior Signals \$184.45 smcs; Supplyworks \$1,620.00 smcs; Target \$26.61 smcs; Texoma Golf \$363.15 smcs; Theis,J \$40.00 smcs; Thompson Co \$61.45 smcs; Ticket Omaha \$805.00 smcs; Tielke's \$128.34 smcs; Timm,W \$41.45 smcs; Titan Machinery \$4,289.53 smcs; Titleist \$134.39 smcs; TJ & Investing \$54.78 smcs; TM Sporting Goods \$21.39 smcs; Toys R Us \$27.80 smcs; Tractor-Supply \$502.62 smcs,co; Traffic Controls \$16,420.80 smcs; Trans Iowa Equipment \$455.46 smcs; TruGreen Chemicals \$202.00 smcs; Turner Body Shop \$450.00 smcs; UL \$4,517.00 smcs; Underground Construction \$4,180.49 smcs; Union Bank \$343,739.77 ps; Unique Management \$384.85 smcs; UPS Store \$28.82 smcs; USDA \$85.00 smcs; USPS \$403.66 smcs; Valmont Composite \$447.95 smcs; Van Diest \$3,721.52 smcs; Van Wall Equipment \$156.63 smcs; Verizon \$94.75 smcs; Walburn,R \$18.85 smcs; Walgreens \$42.76 smcs; Wal-mart \$1,945.06 smcs; Warren-T \$144.16 smcs; Waterfilteronline.com \$140.98 smcs; Weather Apparel \$27.82 smcs; Web Network Solutions \$34.95 smcs; Webstauarant Store \$128.34 smcs; Wheeler,J \$36.25 smcs; Wick's Sterling \$121.68 smcs; Wilke's True Value \$252.97 smcs; Williams,K \$23.81 smcs; Wittmus,L \$14.67 smcs; WorldMarket.com \$25.00 smcs; WPCI \$160.50 ps; WPUS CC NDA Device \$58.29 smcs; Young,M \$128.10 smcs; Zapata,M \$35.05 smcs; Payroll Ending 8-8-2015 -- \$423,186.09. 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 September 8, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2015-169** approving the final allocation of levy authority in the amount of \$147,900 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2015-2016 and the final allocation of levy authority in the amount of \$48,178 for Offstreet Parking District No. 1 for fiscal year 2015-2016.

**RESOLUTION NO. 2015-169**

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 6, 2015, a preliminary request for levy allocation in the amount of \$147,900.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 1, 2015, a preliminary request for levy allocation in the amount of \$48,178.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$147,900.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2015 and a final allocation of levy authority of \$48,178.00 is hereby approved for Offstreet Parking District No. 1 for 2015.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

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

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2015, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CK-113971 liquor application submitted by JD Brand LLC, dba JD's located at 2023 1st Avenue and the manager application for Jeremy Stover.

6. Approve the application for a Special Designated License submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to dispense beer at Good Samaritan Medical Group located at 3219 Central Avenue on September 10, 2015 from 4:00 p.m. until 8:00 p.m. for Business After Hours.

7. Adopt **Resolution No. 2015-170** approving Application and Certificate for Payment No. 2 in the amount of \$122,879.03 submitted by Blessing LLC and approved by Olsson

Associates for the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden’s Addition.

**RESOLUTION NO. 2015-170**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden’s Addition, and the City's engineer, Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$122,879.03 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$872,819.97</u>
Contract Sum To Date	872,819.97
Gross Amount Due	296,738.93
Retainage (10%)	29,673.89
Amount Due to Date	267,065.04
Less Previous Certificates for Payment	<u>144,186.01</u>
Current Payment Due	\$122,879.03

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. 2, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**8.** Adopt **Resolution No. 2015-171** approving Application and Certificate for Payment No. 10 in the amount of \$284,893.96 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue.

**RESOLUTION NO. 2015-171**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue, and the City's engineer, Miller &

Associates, have filed with the City Clerk Application and Certificate for Payment No. 10 in the amount of \$284,893.96 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$5,513,218.10
Change Order No. 1 (5-12-2015)	+ \$36,900.00
Change Order No. 2 (5-12-2015)	+ <u>\$4,814.00</u>
Contract Sum To Date	5,554,932.10
Gross Amount Due	4,883,139.60
Retainage (10%)	488,313.96
Amount Due to Date	4,394,825.64
Less Previous Certificates for Payment	<u>4,109,931.68</u>
Current Payment Due	\$ 284,893.96

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 10, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**9. Adopt Resolution No. 2015-172** approving Application and Certificate for Payment No. 1 in the amount of \$26,953.20 submitted by GD Concrete Construction and approved by Miller & Associates for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps.

**RESOLUTION NO. 2015-172**

WHEREAS, GD Concrete Construction of Overton, Nebraska has performed services in connection with the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$26,953.20 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$215,620.00</u>
Contract Sum To Date	215,620.00
Gross Amount Due	29,948.00
Retainage (10%)	2,994.80
Amount Due to Date	26,953.20
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 26,953.20

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 25TH DAY OF AUGUST, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**10. Adopt Resolution No. 2015-173** approving Change Order No. 1 showing a decrease in the amount of \$706.80, Application and Certificate for Payment No. 4-Final in the amount of \$23,975.20, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 12; Airport Water System Improvements.

**RESOLUTION NO. 2015-173**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 12 Improvements; Airport Water System Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$706.08, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$23,975.20 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$308,336.00
Change Order No. 1 (8-25-2015)	<u>-\$706.08</u>
Contract Sum To Date	307,629.92
Gross Amount Due	307,629.92
Retainage	.00
Amount Due to Date	307,629.92
Less Previous Certificates for Payment	<u>283,654.72</u>
Current Payment Due	\$ 23,975.20

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of July 31, 2015, as shown by Exhibit "C" 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, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**11. Adopt Resolution No. 2015-174** approving Application and Certificate for Payment No. 6 in the amount of \$118,180.00 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.

**RESOLUTION NO. 2015-174**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the UV Disinfection Building at the Platte River Well Field, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$118,180.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,535,860.00</u>
Contract Sum To Date	1,535,860.00
Gross Amount Due	1,212,150.00
Retainage (5%)	60,607.50
Amount Due to Date	1,151,542.50
Less Previous Certificates for Payment	<u>1,033,362.50</u>
Current Payment Due	\$ 118,180.00

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

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**12. Adopt Resolution No. 2015-175** approving Application and Certificate for Payment No. 2 in the amount of \$148,241.53 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner.

**RESOLUTION NO. 2015-175**

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$148,241.53 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,814,396.00
Change Order No. 1 (5-26-2015)	<u>+ 40,765.12</u>

Contract Sum To Date	1,855,161.12
Gross Amount Due	198,386.91
Retainage (10%)	19,838.69
Amount Due to Date	178,548.22
Less Previous Certificates for Payment	<u>30,306.69</u>
Current Payment Due	\$ 148,241.53

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

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**13. Adopt Resolution No. 2015-176** approving the submission of a grant application to the Nebraska Game and Parks Commission for the Recreational Trails Program from Cherry Avenue to one mile east of Sweetwater Avenue.

**RESOLUTION NO. 2015-176**

WHEREAS, the City of Kearney, Nebraska is applying for federal assistance from the Recreational Trails Program for the purpose of constructing an 8-foot wide concrete trail from Cherry Avenue, where the City's paved trail system currently ends, approximately one mile east to Sweetwater Avenue, along the North Channel of the Platte River; and

WHEREAS, the Mayor of the City of Kearney, Nebraska is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration; and

WHEREAS, the City of Kearney, Nebraska currently has the written commitment for the twenty percent local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project; and

WHEREAS, the City of Kearney, Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years

WHEREAS, the City of Kearney, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 2964, and any of the regulations promulgated pursuant to such Act; and

WHEREAS, the City of Kearney, Nebraska will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project; and

WHEREAS, the City of Kearney, Nebraska will comply with the Federal accessibility and use standards where they can be reasonably applied.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized to execute the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**14. Adopt Resolution No. 2015-177** 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.

**RESOLUTION NO. 2015-177**

WHEREAS, on June 26, 2012 the City Council adopted Resolution No. 2012-104 approving Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement; and

WHEREAS, the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement was amended in 2013 and again in 2014; 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 agreed that Kearney continue to provide Minden with plan review and building inspection services for up to twelve (12) months.

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 25TH DAY OF AUGUST, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**15. Approve the application for a Special Designated License** submitted by Chug-A-Lug Sports Bar Inc., dba Chug A Lug Sports Bar in connection with their Class C-042049 liquor license to dispense beer and distilled spirits in a 32'x54' fenced area located south of their licensed beer garden located at 1115 East 25th Street on September 26, 2015 from 8:00 a.m. until 12:00 a.m. for a beer garden.

**16. Adopt Resolution No. 2015-178** approving Application and Certificate for Payment No. 1 in the amount of \$122,294.93 submitted by Dan Roeder Concrete and approved

by Miller & Associates for the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps.

**RESOLUTION NO. 2015-178**

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2015 Part 1 Improvements; 19th Street and Sidewalks/Ramps, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$122,294.93 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$194,689.50</u>
Contract Sum To Date	194,689.50
Gross Amount Due	128,731.50
Retainage (5%)	6,436.57
Amount Due to Date	122,294.93
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$122,294.93

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 25TH DAY OF AUGUST, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

17. Approve the application for a Special Designated License submitted by Kearney Steak Company dba Whiskey Creek in connection with their Class IK-035628 liquor license to dispense beer, wine and distilled spirits inside the Classic Car Museum located at 3600 East Highway 30 on September 11, 2015 from 9:30 p.m. until 11:30 p.m. for a reception.

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 8015 CREATING PAVING DISTRICT NO. 2015-976**

Council Member Nikkila introduced Ordinance No. 8015 creating Paving Improvement District No. 2015-976 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having

been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8015 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8015 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8015 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8016 CREATING PAVING DISTRICT NO. 2015-977**

Council Member Nikkila introduced Ordinance No. 8016 creating Paving Improvement District No. 2015-977 for 8th Street from 17th Avenue east to 16th Avenue, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8016 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8016 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8016 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8017 CREATING WATER DISTRICT NO. 2015-579**

Council Member Nikkila introduced Ordinance No. 8017 creating Water District No. 2015-579 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage

on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8017 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8017 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8017 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8018 CREATING SANITARY SEWER DISTRICT NO. 2015-516**

Council Member Nikkila introduced Ordinance No. 8018 creating Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8018 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8018 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8018 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8019 CREATING PAVING DISTRICT NO. 2015-978**

Council Member Nikkila introduced Ordinance No. 8019 creating Paving Improvement District No. 2015-978 for 9th Avenue from 10th Street south to its terminus in a cul-de-sac, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8019 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8019 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8019 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8020 CREATING WATER DISTRICT NO. 2015-580**

Council Member Nikkila introduced Ordinance No. 8020 creating Water District No. 2015-580 for 9th from 10th Street south to its terminus in a cul-de-sac, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8020 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8020 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8020 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8021 CREATING SANITARY SEWER DISTRICT NO. 2015-517**

Council Member Nikkila introduced Ordinance No. 8021 creating Sanitary Sewer District No. 2015-517 for 9th Avenue from 10th Street south to its terminus in a cul-de-sac, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8021 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8021 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8021 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8022 CREATING PAVING DISTRICT NO. 2015-979**

Council Member Nikkila introduced Ordinance No. 8022 creating Paving Improvement District No. 2015-979 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8022 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8022 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8022 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8023 CREATING WATER DISTRICT NO. 2015-581**

Council Member Nikkila introduced Ordinance No. 8023 creating Water District No. 2015-581 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8023 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8023 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8023 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8024 CREATING SANITARY SEWER DISTRICT NO. 2015-518**

Council Member Nikkila introduced Ordinance No. 8024 creating Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for

discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8024 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8024 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8024 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **ORDINANCE NO. 8025 AMENDING SECTION 1-1602 OF THE CITY CODE**

Council Member Nikkila introduced Ordinance No. 8025 amending Section 1-1602 "Composition" of Article 16 "Senior Services Advisory Board" of Chapter 1 "Administration" of the Code of the City of Kearney to clarify the language pertaining to three members residing within the corporate limits of the City of Kearney and all members being residents of Buffalo County, and must be active at the Petersen Senior Activity Center and/or attend their events or programs, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8025 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8025 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8025 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

### REDEVELOPMENT PROJECT FOR WILLIS STORAGE FACILITY, PHASE II

Mayor Clouse opened for discussion the redevelopment project (Willis Storage Facility, Phase II) for Redevelopment Area #5 for an area described as Lot 3, Fuller and Daley First Addition to the City of Kearney, Buffalo County, Nebraska (1203 16th Street) and consider Resolution No. 2015-179.

City Manager Michael Morgan presented this matter to the Council. This is a continuation of a project in the area as indicated with the Phase II designation. It is a request from CRA to approve TIF financing for approximately 7,000 square foot building in the area. The CRA recommends that City Council approve 90 percent of the anticipated revenues available and not to exceed \$46,990 over a 10-year TIF period to be allocated for eligible costs and there is no physical impact to the City of Kearney. Staff recommends approval.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2015-179** finding that the redevelopment project set forth in the application submitted by Marc and David Willis for Willis Storage Facility, Phase II would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area 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 best interests of the community; and further move that the redevelopment project be granted up to a maximum of \$46,990 payable until the 10-year TIF period expires be granted; and further move granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Marc and David Willis for Willis Storage Facility, Phase II. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

### **RESOLUTION NO. 2015-179**

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 3, Fuller and Daley First Addition to the City of Kearney, Buffalo County, Nebraska and designated as Parcel ID 600047203; 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 3, Fuller and Daley First Addition to the City of Kearney, Buffalo County, Nebraska and designated as Parcel ID 600047203 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 3, Fuller and Daley First Addition to the City of Kearney, Buffalo County, Nebraska and designated as Parcel ID 600047203 shall be divided, for a period not to exceed 10 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.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **OPEN ACCOUNT CLAIM**

Moved by Nikkila seconded by Clouse that the Open Account Claim in the amount of \$274.58 payable to Stan Clouse and in the amount of \$129,040.15 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Buschkoetter. Nay: None. Clouse abstained and Lammers absent. Motion carried.

## **VII. REPORTS**

### **UPDATE ON NPPD LEASE AGREEMENT**

City Manager Michael Morgan updated the Council on NPPD Lease Agreement. With the lease agreement, NPPD has contributed approximately \$5.6 million a year to the City of Kearney. Currently NPPD serves 15,090 customers in 2014 which is a small increase over 2013 of 14,936. There is also sales tax payments generated in the amount of \$500,000. This arrangement has worked and is in a long term agreement with NPPD and it has continued to serve the City well.

As they work with NPPD they are watching very closely the impact on some major legislation that can be affecting the electric industry and the cost there is a lot of regulatory issues and technology issues. NPPD is very concerned about cost control and will not see rate increases this year. They will continue to monitor some of the legislation and focus also on energy efficient. They have been talking about some solar initiatives with the company and of course they are a big part of and partner with the economic development efforts which they appreciate.

One thing they are watching closely is the 2014 lease payments were \$5.562 million and in 2013 was \$5.571 million. Those lease payments have been holding steady which necessarily is not the best news for them maybe better news for customers but they are a big source of the City's revenue.

Council Member Nikkila asked how the lease payment is calculated. City Manager stated it is 12 percent of gross revenue. Council Member Nikkila asked how does the lease payment decrease but the sales tax payments increase. City Manager stated it could be on different customers. Lease payment can go down even with increase of customers; it is based on demand.

Mayor Clouse stated in 2013 there was the impact of weather and in 2014 there were nice conditions. Generally, they are down all across the state. City Manager stated some of the indicators they look at, with dropping the levy a bit but yet they are seeing sales tax numbers down, lease payments down so somewhere revenue streams are down. As the City they are going to have to manager costs and see where they are at.

Council Member Nikkila asked if the new coal power regulations are not stopped or postponed, how long till they see rate increases. Mayor Clouse stated they are still a few years away as they sort through that.

### **PROPERTY TAX LEVY**

City Manager stated a Press Release went out on the property tax that the new calculated figure is .13736 cents he believes so that is a little bit lower than what they looked at during the preparation of the budget. Certainly that will bring the City significantly under any other first class community in Nebraska.

### **CLOSED SESSION**

Moved by Lear seconded by Buschkoetter that Council adjourn into closed session at 5:46 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. 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 Buschkoetter seconded by Lear that Council reconvene in regular session at 6:27 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

### **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:27 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**