

Kearney, Nebraska
April 12, 2016
8:00 a.m.

A special meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 8:00 a.m. on April 12, 2016, 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; Paul Briseno, Assistant City Manager were also present. Some of the citizens present in the audience included: Bruce Lefler, Dallas Watkins, Police Chief Dan Lynch, Jessica Kokesh from Kearney Hub.

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

I. ROUTINE BUSINESS

ORDINANCE NO. 8070 ISSUANCE OF \$3,700,000 BOND ANTICIPATION NOTES

Mayor Clouse opened for discussion Ordinance No. 8070 authorizing the issuance and sale of Bond Anticipation Notes of the City of Kearney, Nebraska in the principal amount of \$3,700,000.00 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District Nos. 2015-972 and 2015-981 of said City pending the issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said notes; agreeing to issue the City's General Obligation Various Purpose Bonds to pay the notes at maturity or to pay the notes from other available funds; and entering into a contract on behalf of the city with the holders of said notes.

Bruce Lefler from Ameritus, addressed the Council on this matter. On May 26, 2015, the City Council awarded a bid of \$554,295 to Blessing, LLC for the 2015 Part 4 Improvements. This project includes paving and storm water improvements for 29th Street from 6th Avenue to 8th Avenue. Additionally, on February 9, 2016, the City Council awarded a bid of \$3,018,300 to Blessing, LLC for the 2015 Part 5 Improvements. This project includes paving and storm water improvements for Central Avenue from 12th Street to 18th Street.

These improvements need to be financed by the issuance of Series 2016 Bond Anticipation Notes. The Notes will provide short-term financing for the projects. After the projects are completed, the Notes will be redeemed at maturity with cash received from the issuance of Series 2017 Various Purpose General Obligation Bonds. The Bonds will provide long-term (twenty years) financing for the project. The Series 2016 Bond Anticipation Notes will be dated May 15, 2016 and will mature on October 15,

2017. The interest rate for the Notes is estimated at 1.00% and the total principal amount of the Notes is \$3,700,000.00.

Council Member Lammers introduced Ordinance No. 8070 authorizing the issuance and sale of Bond Anticipation Notes of the City of Kearney, Nebraska in the principal amount of \$3,700,000.00 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District Nos. 2015-972 and 2015-981 of said City pending the issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said notes; agreeing to issue the City's General Obligation Various Purpose Bonds to pay the notes at maturity or to pay the notes from other available funds; and entering into a contract on behalf of the city with the holders of said notes, 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 Nikkila 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, Lammers, Buschkoetter. 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. 8070 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, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8070 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. 8070 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. 8069 AMENDING SECTION 3-1313 OF CITY CODE

Section 3-1313 of the Kearney City Code presently indicates that no license shall be issued for the sale of alcoholic liquor within 150 feet of any church, school, or hospital. A concern has been raised that if a church were to locate in the downtown district that might limit certain properties uses for a bar or tavern and this might be even more restrictive given the lack of separation between properties in the downtown district. City staff prepared a code change which indicates that this separation restriction will not apply to properties located in the downtown area and have added that language to Section 3-1313.

At the last Council meeting, there were only three Council members present so the ordinance was placed on first reading. Therefore, with a quorum present, the ordinance can be passed.

Council Member Lear introduced Ordinance No. 8069 amending Section 3-1313 "Alcoholic Beverages; Sale at Retail; Restrictions as to Locality" of Article 13 "Alcoholic Beverages" of Chapter 3 "Business Regulations" of the City Code to provide that the restrictions as to locality does not apply to properties located in the downtown business district, 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, Lammers, Buschkoetter, Lear, Nikkila. 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. 8069 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8069 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8069 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

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$136,923.96 payable to Nebraska Public Power District and to Jonathan Nikkila in the amount of \$238.00 be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Buschkoetter. Nay: None. Clouse and Nikkila abstained. Motion carried.

ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 8:04 a.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**