

*Kearney, Nebraska
December 14, 2010
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 December 14, 2010, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter (arrived at 7:04 p.m.), Bruce Lear, and Bob Lammers. Absent: Don Kearney. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Airport Manager Jim Lynaugh were also present. Some of the citizens present in the audience included: Ken Tracy, Terry Eirich, Jerry Thompson, Barb Thompson, Steve Mead, Todd Walton, Sarah Isaac, Arron Adams, Andrew Bennett, Jay Mollring, John Keeney, Mark Panowicz, Thom Schneider, Joel Suggitt, Matt Young, Steve Altmaier from KGFW Radio, Kevin Hervert 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. REORGANIZATION AND ROUTINE BUSINESS

INVOCATION

Pastor Charlie Gable from First Church of God provided the Invocation.

PLEDGE OF ALLEGIANCE

The Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

APPROVE MINUTES

Moved by Lammers seconded by Lear that the Minutes of Regular Council Meeting of November 23, 2010 and the Minutes of the Kearney Area Solid Waste Agency Meeting of September 14, 2010 be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Lear. Nay: None. Buschkoetter and Kearney absent. Motion carried.

CERTIFICATE OF VOTE

City Clerk read the following Certificate of Vote from the November 2, 2010 General Election for Kearney City Council by the Buffalo County Election Commissioner:

Randy Buschkoetter	4,027
Bob Lammers	3,666
Paul Hazard	3,032
Jerry Schroeder	2,031

Glenda M. DeBrie
Buffalo County Election Commissioner

Moved by Lear seconded by Buschkoetter to accept the Certificate of Vote from the Buffalo County Election Commissioner. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

ADMINISTER THE OATH OF OFFICE

City Clerk administered the Oath of Office to Council Members Randy Buschkoetter and Bob Lammers.

NOMINATION FOR PRESIDENT/MAYOR

City Clerk stated that nominations would be received for President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Council Member Lammers nominated Stanley Clouse for this position. Hearing no other nominations, nominations were closed. Stanley Clouse is nominated President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Roll call for those in favor of Stanley Clouse for President of the Council: Lammers, Buschkoetter, Lear, Clouse. Kearney absent. City Clerk stated the ayes have it and Stanley Clouse is elected President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency.

NOMINATION FOR VICE-PRESIDENT

Mayor Clouse stated that nominations would be received for Vice-President of the Council. Council Member Clouse nominated Randy Buschkoetter for this position. Hearing no other nominations, nominations were closed. Randy Buschkoetter is nominated Vice-President of the Council. Roll call for those in favor of Randy Buschkoetter for Vice-President of the Council: Clouse, Buschkoetter, Lear, Lammers. Kearney absent. Mayor Clouse stated the ayes have it and Randy Buschkoetter is elected Vice-President of the Council.

REAPPOINTMENT OF MICHAELLE TREMBLY AS CITY CLERK

Moved by Clouse seconded by Lammers to reappoint Michaelle Trembly as City Clerk. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Kearney absent. Motion carried.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Mayor Clouse and Council Members recognized the following volunteer firefighters: Jerry Thompson 20 years, Todd Walton 15 years, Sarah Isaac 10 years, Jason Whalen 10 years, Arron Adams 5 years, Andrew Bennett 5 years, and Jay Mollring 5 years. Fire Chief Terry Eirich presented each with Service Awards.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT FIREFIGHTER COURSE I

Mayor Clouse and Council Members recognized the following volunteer firefighters for completing the Firefighter I Course: Bryan Chase, John Keeney, Brandon Koopman, Mark Panowicz, Thom Schneider, Joel Suggitt, Matt Young.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS**UTILITY EASEMENT LOCATED SOUTH OF 11TH STREET WEST OF 16TH AVENUE**

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent Utility Easement granted to the City by Kelly Rapp and Laureen Striker-Rapp of a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska being more particularly described as follows: Referring to the Northwest corner of said Northwest Quarter (also the Southwest corner of said Southwest Quarter) and assuming the West line of said Northwest Quarter as bearing S00°30'12"W and all other bearings shown hereon relative thereto; thence S00°30'12"W on said West line a distance of 33.01 feet to the Southerly line of 11th Street as platted on the City of Kearney, Buffalo County, Nebraska; thence N89°55'43"E on said Southerly line a distance of 3.87 feet; thence N82°09'52"E on said Southerly line a distance of 61.89 feet to the East line of an N.P.P.D. Canal tract as recorded in Inst. No. 2009-8049 in the Office of the Register of Deeds, Buffalo County, Nebraska, and the ACTUAL POINT OF BEGINNING; thence continuing N82°09'52"E on said Southerly line a distance of 487.61 feet; thence S89°20'16"E on said Southerly line a distance of 59.18 feet to the West line of 16th Avenue as platted for Park View Estates Fifth Addition, a Addition to the City of Kearney, Buffalo County, Nebraska; thence S00°40'27"W on said West line a distance of 7.00 feet; thence N89°20'16"W parallel with said Southerly line a distance of 58.66 feet; thence S82°09'52"W parallel with said Southerly 11th Street right-of-way line a

distance of 487.61 feet to said East line; thence N00°11'46"E on said east line a distance of 7.07 feet, containing 0.09 acres, more or less, all in Buffalo County, Nebraska (south of 11th Street west of 16th Avenue) and to consider Resolution No. 2010-228.

Director of Utilities Kirk Stocker presented this matter to the Council. Charter Communications contacted the Utilities Department because there was not enough space within the existing right-of-way along the south side 11th Street between Parkview Estates Fifth Addition and the tailrace of the NPPD canal for them to install a fiber line to serve the area. The Utilities Department assisted Charter by acquiring a 7-foot permanent utility easement immediately south of the 11th Street right-of-way. The owner granted the easement without protest because the area within the easement will need to be granted as street right-of-way in the future when the property is platted.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and approve the proposed acquisition of a Permanent Utility Easement granted to the City by Kelly Rapp and Laureen Striker-Rapp of a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska being more particularly described as follows: Referring to the Northwest corner of said Northwest Quarter (also the Southwest corner of said Southwest Quarter) and assuming the West line of said Northwest Quarter as bearing S00°30'12"W and all other bearings shown hereon relative thereto; thence S00°30'12"W on said West line a distance of 33.01 feet to the Southerly line of 11th Street as platted on the City of Kearney, Buffalo County, Nebraska; thence N89°55'43"E on said Southerly line a distance of 3.87 feet; thence N82°09'52"E on said Southerly line a distance of 61.89 feet to the East line of an N.P.P.D. Canal tract as recorded in Inst. No. 2009-8049 in the Office of the Register of Deeds, Buffalo County, Nebraska, and the ACTUAL POINT OF BEGINNING; thence continuing N82°09'52"E on said Southerly line a distance of 487.61 feet; thence S89°20'16"E on said Southerly line a distance of 59.18 feet to the West line of 16th Avenue as platted for Park View Estates Fifth Addition, a Addition to the City of Kearney, Buffalo County, Nebraska; thence S00°40'27"W on said West line a distance of 7.00 feet; thence N89°20'16"W parallel with said Southerly line a distance of 58.66 feet; thence S82°09'52"W parallel with said Southerly 11th Street right-of-way line a distance of 487.61 feet to said East line; thence N00°11'46"E on said east line a distance of 7.07 feet, containing 0.09 acres, more or less, all in Buffalo County, Nebraska (south of 11th Street west of 16th Avenue) and adopt **Resolution No. 2010-228**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-228

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

WHEREAS, the City Council has held a public hearing upon the proposed

acquisition for a Permanent Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Kelly Rapp and Laureen Striker-Rapp, has granted to the City of Kearney, Nebraska a Permanent Utility Easement for a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska being more particularly described as follows: Referring to the Northwest corner of said Northwest Quarter (also the Southwest corner of said Southwest Quarter) and assuming the West line of said Northwest Quarter as bearing S00°30'12"W and all other bearings shown hereon relative thereto; thence S00°30'12"W on said West line a distance of 33.01 feet to the Southerly line of 11th Street as platted on the City of Kearney, Buffalo County, Nebraska; thence N89°55'43"E on said Southerly line a distance of 3.87 feet; thence N82°09'52"E on said Southerly line a distance of 61.89 feet to the East line of an N.P.P.D. Canal tract as recorded in Inst. No. 2009-8049 in the Office of the Register of Deeds, Buffalo County, Nebraska, and the ACTUAL POINT OF BEGINNING; thence continuing N82°09'52"E on said Southerly line a distance of 487.61 feet; thence S89°20'16"E on said Southerly line a distance of 59.18 feet to the West line of 16th Avenue as platted for Park View Estates Fifth Addition, a Addition to the City of Kearney, Buffalo County, Nebraska; thence S00°40'27"W on said West line a distance of 7.00 feet; thence N89°20'16"W parallel with said Southerly line a distance of 58.66 feet; thence S82°09'52"W parallel with said Southerly 11th Street right-of-way line a distance of 487.61 feet to said East line; thence N00°11'46"E on said east line a distance of 7.07 feet, containing 0.09 acres, more or less, all in Buffalo County, Nebraska (south of 11th Street west of 16th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Utility Easement granted by Kelly Rapp and Laureen Striker-Rapp, to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 14TH DAY OF DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

STORM SEWER EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent Storm Sewer Easement granted to the City by MJ Development, LLC of a tract of land ten feet in width and being part of Government Lot 6 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, the centerline being more particularly described as follows: referring to the southwest corner of Government Lot 6 in Section 11 and assuming the south line of Government Lot 6 as bearing N88°07'45"E and all bearings contained herein are relative thereto; thence N88°07'45"E and on said south line of said Government Lot 6 a distance of 1139.68 feet to the southwest corner of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N02°11'25"E on the west line of said Lot 1 a distance of 916.60 feet to a point on the south line of Talmadge Street and the northwest corner of said Lot 1; thence N87°48'42"W on the south line of Talmadge Street a distance of 64.0 feet to the Point of Beginning, said point being the centerline of a 10-foot storm sewer easement,

thence S29°11'18"W on said centerline a distance of 71.5 feet to the Point of Termination, all in Buffalo County, Nebraska and to consider Resolution No. 2010-229.

Director of Public Works Rod Wiederspan presented this matter to the Council. At the May 11, 2010 Council meeting, the Council approved the plans and specifications for the 2010 Part III Improvement Projects. These improvements included paving Talmadge Street from approximately 300 feet west of 3rd Avenue to approximately 1000 feet west of 3rd Avenue. In association with the paving of Talmadge Street, a storm sewer pipe was installed to drain the surface water from Talmadge Street into a storm water retention pond located southwest of Talmadge Street.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and approve the proposed acquisition of a Permanent Storm Sewer Easement granted to the City by MJ Development, LLC of a tract of land ten feet in width and being part of Government Lot 6 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, the centerline being more particularly described as follows: referring to the southwest corner of Government Lot 6 in Section 11 and assuming the south line of Government Lot 6 as bearing N88°07'45"E and all bearings contained herein are relative thereto; thence N88°07'45"E and on said south line of said Government Lot 6 a distance of 1139.68 feet to the southwest corner of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N02°11'25"E on the west line of said Lot 1 a distance of 916.60 feet to a point on the south line of Talmadge Street and the northwest corner of said Lot 1; thence N87°48'42"W on the south line of Talmadge Street a distance of 64.0 feet to the Point of Beginning, said point being the centerline of a 10-foot storm sewer easement, thence S29°11'18"W on said centerline a distance of 71.5 feet to the Point of Termination, all in Buffalo County, Nebraska and adopt **Resolution No. 2010-229**. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-229

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

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Storm Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, MJ Development, LLC, has granted to the City of Kearney, Nebraska a Permanent Storm Sewer Easement for a a tract of land ten feet in width and being part of Government Lot 6 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, the centerline being more particularly described as follows: referring to the southwest corner of Government Lot 6 in Section 11 and assuming the south line of Government Lot 6 as bearing N88°07'45"E and all bearings contained herein are relative thereto; thence N88°07'45"E and on said south line of said Government Lot 6 a distance of 1139.68 feet to the southwest corner of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence

N02°11'25"E on the west line of said Lot 1 a distance of 916.60 feet to a point on the south line of Talmadge Street and the northwest corner of said Lot 1; thence N87°48'42"W on the south line of Talmadge Street a distance of 64.0 feet to the Point of Beginning, said point being the centerline of a 10-foot storm sewer easement, thence S29°11'18"W on said centerline a distance of 71.5 feet to the Point of Termination, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Storm Sewer Easement granted by MJ Development, LLC, to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 14TH DAY OF DECEMBER, 2010.

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 4 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

1. Approve the following Claims:

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

AT&T \$145.36 smcs; Ace Hardware \$131.52 smcs; ADS-Hydra Stop \$939.03 co; Advance Auto Parts \$11.58 smcs; Aflac \$2,927.12 ps; Airgas Safety Lyons \$29.98 smcs; Alamar \$3,112.77 smcs; Alertshirt \$915.45 smcs; Alfred Benesch & Co \$6,514.06 co; Allied Electronics \$549.49 smcs; Amax Contracting \$360.64 co; Amazon \$789.68 smcs,co; Amer Electric \$487.40 smcs,co; Amer First Aid Safety \$1,310.08 smcs; Amer Institute of Small \$144.95 smcs; Amer Legion \$342.60 smcs; Amer Locker Security \$56.26 smcs; Amsan \$1,425.25 smcs; Angry Cow Adventures \$250.00 smcs; Antelope Newspaper \$70.00 smcs; Apple Books \$3,133.70 smcs; Applebees \$27.44 smcs; Applemarket \$39.50 smcs; Applied Technical Systems \$184.00 smcs; Ask Supply \$393.29 smcs; Audio Go \$331.82 smcs; Auto Central Avenue \$1,648.32 smcs; Baby Changing Stations \$289.80 smcs; Baker & Taylor Books \$4,562.26 smcs; Baltic Networks \$141.64 co; Baylor, Evnen, Curtiss \$24,514.09 smcs; Berens-Tate Consulting \$750.00 smcs; Blessing \$491,818.65 co; Bluecross Blueshield \$76,799.78 smcs; Blueglobes \$122.98 smcs; Bob's Super Store \$26.19 smcs; Broadfoot's \$1,207.50 smcs; Brown's Shoe Fit \$536.34 smcs; Buffalo Co Treasurer \$18,750.00 smcs; Buffalo Outdoor Power \$288.94 smcs; Buggy Bath \$17.50 smcs; Builder Warehouse \$182.93 smcs; Builders \$1,119.02 smcs,co; Cabela's \$2,439.11 smcs; Cableorganizer \$59.70 smcs; Carquest \$961.64 smcs; Casey's \$19.00 smcs; Cash Wa \$1,601.82 smcs; CDH Electric \$488.34 smcs; CDW Government \$1,606.24 smcs; CED Enterprise \$31.07 smcs; Central Contracting \$101,665.85 co; Central Fire & Safety \$90.95 smcs; Central Hydraulic Systems \$1,415.47 smcs; Central NE Bobcat \$57.40 smcs; Central State

Wire \$4,184.76 smcs; Charter \$129.23 smcs; Chavez,K \$44.94 smcs; Chesterman \$69.15 smcs; City Glass \$56.54 smcs; City of Ky \$219,257.48 smcs,ps; College Savings Plan of NE \$200.00 ps; Connelly Industrial \$144.81 smcs; Construction Rental \$330.85 smcs,co; Copycat Printing \$1,135.73 smcs,co; Cowpoke \$139.95 smcs; CPS \$56.25 smcs; Crop Production Services \$2,400.00 smcs; Crossroads Ford \$985.20 smcs; Cullen,M \$4.39 smcs; Culligan \$142.00 smcs; Cummins Central Power \$348.86 smcs; Cunningham,S \$21.05 smcs; D&S Lighting \$127.44 smcs; DAshophistorycom \$53.94 smcs; Dawson Co PPD \$27,113.20 smcs; Deeter Foundry \$285.00 smcs; Degirollomo,R \$21.00 smcs; Dell \$1,172.30 smcs; Depository Trust \$122,468.75 ds; Diamond Vogel \$53.24 smcs; Dish Network \$50.63 smcs; Dmilaco \$2,552.20 smcs,ps; Dorn,S \$28.06 smcs; DPC Industries \$6,423.66 smcs; DRI Nuance \$89.94 co; Eakes \$2,992.98 smcs,co; Ecessa Corp \$2,391.44 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$4,774.09 smcs; EMC Ins \$5,262.45 smcs; Engineered Plastic \$2,355.05 co; Expression Wear \$220.00 smcs; Fairbanks \$1,308.17 smcs; Farmers Union Coop \$315.00 smcs; Fastenal \$581.34 smcs; FBINAA-NE Chapter \$90.00 smcs; Fireguard \$185.94 smcs; Flaherty,T \$199.00 smcs; Friesz,D \$31.48 smcs; Frontier \$9,002.73 smcs; Gale \$511.20 smcs; Garrett Tires \$5,441.16 smcs; GE Money Bank \$1,833.54 smcs; Gear For Sports \$371.53 smcs; Geotechnical Services \$7,484.00 co; Goodwin Tucker Group \$87.48 smcs; Gough,P \$141.75 smcs; Graham Tire \$537.33 smcs; Grainger \$2,133.21 smcs; Gray,H \$45.28 smcs; Great North American \$342.32 smcs; Great Plains Safety \$150.00 smcs; Hach \$265.15 smcs; Hawthorne Jewelry \$1,480.00 ps; HD Supply \$8,965.04 smcs; Hill,M \$18.05 smcs; Hinrichs,S \$10.00 smcs; Hobby-Lobby \$347.94 smcs; Hoehner Turf \$125.00 smcs; Hoffman,D \$38.86 smcs; Holmes Plumbing \$336.30 smcs,co; Hometown Leasing \$444.91 smcs,co; HSBC Bank Nevada \$318.25 ps; IACP \$1,100.00 smcs; ICMA RC \$4,064.57 ps; IIMC \$175.00 smcs; Infobase Publishing \$213.96 smcs; IRS \$112,431.29 ps; Int'l Public Mgmt \$831.75 smcs; Jack Lederman \$1,437.13 smcs; Jack's Uniforms \$49.90 smcs; JCPenney \$2,529.21 smcs; JDL Lesco \$2,015.66 smcs,co; JJ Keller \$141.98 smcs; JRs Western \$2,539.41 smcs; Just Blinds \$191.00 co; K&K Parts \$699.67 smcs; Ky Chamber Comm \$288.00 smcs; Ky Comm Foundation \$2,249.97 smcs; Ky Comm Theatre \$3,600.00 smcs; Ky Concrete \$2,282.94 smcs,co; Ky Crete & Block \$196.00 smcs,co; Ky Hub \$2,898.29 smcs; Ky Implement \$815.63 smcs; Ky Towing \$140.00 smcs; Ky United Way \$616.50 ps; Ky Visitors Bureau \$68,722.21 smcs; Ky Warehouse \$460.21 smcs; Ky Winlectric \$212.75 smcs; Ky Winnelson \$118.55 smcs; Ky Yamaha \$410.90 smcs; KGFV-AM \$90.00 smcs; Kindle \$20.98 smcs; Klaus,M \$196.99 co; Kmart \$174.84 smcs; Kohl Lyndsey \$40.79 smcs; Konica Minolta \$484.15 smcs; Kossman,K \$15.35 smcs; Krull Ins \$1,950.00 smcs; Kuzma,C \$28.75 smcs; Labsafe \$266.37 smcs; Lands End \$116.05 smcs; Laserlinkgo \$982.00 smcs; LCL Truck Equipment \$502.26 smcs; Lincoln Winwater Works \$1,019.72 smcs; Linweld \$2,054.57 smcs; Lopez,C \$39.01 smcs; Magic Cleaning \$4,100.00 smcs; Mail Express \$379.03 smcs; Marlatt Machine \$509.58 smcs; Masters Leasing \$129.00 smcs; Mauler,S \$30.00 smcs; McCarty,D \$20.00 smcs; Meismer,M \$21.59 smcs; Menards \$3,530.05 smcs,co; Metlife \$6,552.44 ps; Mid Amer Signal \$720.20 smcs; Mid Peterson Meal Program \$147.00 smcs; Mid-NE Garage Doors \$290.00 smcs; Mid-State Units \$150.00 smcs; Midwest Breathing Air \$159.00 smcs; Midwest Radar \$690.00 co; Mieth,T \$425.00 smcs; Milco Environmental \$6,425.44 smcs; Miller & Associates \$53,469.11 smcs,co; Miller Signs \$450.00 smcs; Misko Sports \$157.70 smcs; Moonlight Embroidery \$2,158.75 smcs,ps; Moore Wallace \$478.60 smcs; Mostek Electric \$832.40 smcs; Motorola \$19.12 smcs; Municipal Supply \$189.55 smcs; Murphy Tractor \$1,643.20 smcs; Napa All Makes \$1,690.30 smcs; NCS

Equipment \$213.84 smcs,co; NE Child Support \$2,454.98 ps; NE Dept of Aeronautics \$370.00 ds; NE Dept of Environmental \$616,153.72 smcs,ds; NE Dept of Revenue \$74,165.87 smcs,ps; NE Dept of Roads \$3,142.75 co; NE Law Enforcement \$50.00 smcs; NE Natural Legacy Project \$100.00 smcs; NE Public Health \$931.00 smcs; NE Salt & Grain \$462.50 smcs; NE Section PGA \$20.00 smcs; NE State Bar Assn \$75.00 smcs; NE State Fire Marshal \$360.00 smcs; NE Truck Center \$1,310.64 smcs; Nelson's Furniture \$995.00 smcs,co; Neopost \$3,000.00 smcs; Newegg \$309.01 smcs,co; Newman Signs \$3,004.48 smcs; NMC Exchange \$2,577.50 smcs; Northwestern Energy \$11,644.66 smcs,co; Novus \$45.00 smcs; NRPA \$791.00 smcs; Office Max \$691.21 smcs; Officenet \$352.83 smcs; O'Keefe Elevator \$453.44 smcs; Old Navy \$82.00 smcs; On Site Mobile Sharpening \$51.78 smcs; O'Neill Wood Resource \$5,842.50 smcs; O'Reilly Auto \$1,215.61 smcs; Orscheln \$1,607.76 smcs; Otis Air Service \$833.16 smcs; Outdoor Recreation \$5,264.00 co; Overturf,J \$10,000.00 co; Paramount \$463.54 smcs; Party America \$13.90 smcs; Pat's Plumbing \$260.00 smcs; Payflex Systems \$531.25 smcs,ps; Paypal \$437.00 smcs; PDR \$118.90 smcs; Penworthy \$2,091.70 smcs; Pep Co \$51.10 smcs; Pet Pick Ups \$752.39 smcs; Platte Valley Comm \$1,022.28 smcs,co; Presto-X \$232.75 smcs; Progressive Business \$249.00 smcs; Provantage \$210.10 smcs,co; Pueppka,E \$10.09 smcs; Pulliam,R \$40.00 smcs; Quill \$574.86 smcs; RW Sorensen \$13,156.00 co; Random House \$245.92 smcs; Ready Mixed Concrete \$4,698.74 smcs,co; Reams \$847.60 smcs,co; Recognition Unlimited \$10.95 smcs; Recorded Books \$3,043.62 smcs; Redman's Shoes \$6,429.51 smcs; Reinke's Heating \$294.01 smcs; Reserve Account \$750.00 smcs; Russells Appliance \$129.00 co; Safariland \$190.59 smcs; Safelite Autoglass \$340.90 smcs; Sahling Kenworth \$724.82 smcs; Sanitation Products \$182.68 smcs; Sapp Brothers \$5,917.99 smcs; Sara Lee Baker \$62.40 smcs; Sears \$147.47 smcs; Seton Name Plate \$299.40 smcs; Shell Oil \$219.57 smcs; Sherwin Williams \$30.75 smcs; Siebert,B \$50.00 smcs; Sign Center \$165.00 smcs; Smith,R \$61.30 smcs; Snap-On Tools \$549.00 smcs; Snow,T \$50.00 smcs; Solid Waste Agency \$44,767.27 smcs; Solid Waste Equipment \$4,754.35 smcs; Sport Supply Group \$51.43 smcs; Stanley Security Solutions \$459.23 smcs; State of NE/AS Central \$4,010.44 smcs; Steinbrinks Landscaping \$427.44 smcs; Stott,D \$8.00 smcs; Sun Life Financial \$38,940.75 smcs; Sungard Public Sector \$195.00 smcs; Super Shine Auto \$34.50 smcs; Sydow,J \$40.00 smcs; TACnologies \$129.00 smcs; Tape4Backupcom \$300.31 smcs; Target \$103.26 smcs; Technical Maintenance \$2,369.06 smcs; Titan Machinery \$1,972.04 smcs; Tractor-Supply \$3,226.37 smcs; Tradehome Shoes \$99.99 smcs; Trans Iowa Equipment \$995.06 smcs; Tri City Outdoor \$111.69 smcs; Turfwerks \$207.00 smcs; Tye & Rademacher \$12,861.39 smcs; Ultra Chem \$439.29 smcs; Unique Management \$313.25 smcs; United Way \$400.00 smcs; UPS Store \$86.87 smcs; US Bank \$1,050.00 smcs; Vanguard Industries \$465.00 smcs; Verizon Wireless \$1,160.05 smcs; Vermont Systems \$1,081.00 smcs; Village Uniform \$578.76 smcs; Wal-mart \$2,158.45 smcs; Watchguard Video \$134.25 co; West Payment Center \$176.50 smcs; Weston Woods \$166.43 smcs; Wiegand Security \$80.00 smcs; Wilke Donvoans \$804.08 smcs; Wilkins Hinrichs Stober \$7,199.49 co; Wilkinson \$47.70 smcs; Willmar Int'l \$33.42 smcs; Young,M \$50.00 smcs; Zimmerman Printers \$1,351.82 smcs; Payroll Ending 12-4-2010 -- \$325,129.84 and Longevity Pay for 2010 -- \$46,211.23. 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.

2. Reappointment of Randy Buschkoetter to serve on the Kearney Visitors Bureau, and the reappointment of Stan Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council.

3. Accept the Community Oriented Policing Services (COPS) grant award in the amount of \$345,576 and adopt **Resolution No. 2010-230**.

RESOLUTION NO. 2010-230

WHEREAS, the City of Kearney applied for a Community Oriented Policing Services (COPS) grant to hire two entry-level officers; and

WHEREAS, the COPS Program provides 100 percent of entry-level salary and benefits for new police officers for three years, with one year of required retention after the grant period ends; and

WHEREAS, COPS funds may be used to hire new officers or rehire recently laid off officers, full unfunded vacancies and help prevent scheduled layoffs within law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney accept the COPS Program grant award in the amount of \$345,576.

PASSED AND APPROVED THIS 14TH DAY OF DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

4. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on January 22, 2011 from 6:00 p.m. until 12:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7624 – PAVING IMPROVEMENT DISTRICT NO. 2010-945

In connection with the Johnstone redevelopment project which was approved in March of 2010, the City is requiring the repaving of Central Avenue south from the intersection of First Street. As part of the Redevelopment Contract, the City will pay the full cost of the project up front. Johnstone Supply will be assessed one half of the cost of the project. The City will pay its portions of the paving and stormwater improvements with ½ cent sales tax funds.

Council Member Clouse introduced Ordinance No. 7624, being Subsection 1 of Agenda Item V creating Paving Improvement District No. 2010-945 for Central Avenue from the south right-of-way line of 1st Street, thence 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 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, Buschkoetter, Lear, Lammers. Nay: None. Kearney 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. 7624 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7624 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7624 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

INTENT TO ANNEX BROWN PROPERTIES LOCATE AT 1616 30TH AVENUE

Mayor Clouse opened for discussion the resolution on the intent to annex the following tract of land into the City limits: Lot 1, Knapp's Second Subdivision of Buffalo County, Nebraska (1616 30th Avenue) and to set the public hearing date for December 28, 2010 at 7:00 p.m.

City Attorney Michael Tye presented this matter to the Council. When Brown Church Development built at their current location along 30th Avenue, part of the Development Agreement indicated that they would agree to be annexed once the City limits were adjacent to their property. The Council accepted the agreement on October 26, 2010. Section 16-117 of the Nebraska Revised Statutes provides for the process of annexation. This matter was first considered at a public hearing before the Planning Commission at their meeting held on November 19, 2010 and was approved. The second action in this process is for the City Council to consider passing a resolution stating its intent to annex, approve an annexation plan, and to set a public hearing for comment on the proposed annexation before the City Council. The area in question is served by City utilities. Accordingly, additional utility improvements will not be required.

Moved by Lear seconded by Buschkoetter to approve **Resolution No. 2010-231** on the intent to annex the following tract of land into the City limits: Lot 1, Knapp's Second Subdivision of Buffalo County, Nebraska (1616 30th Avenue) and to set the public hearing date for December 28, 2010 at 7:00 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Kearney absent. Motion carried.

RESOLUTION NO. 2010-231

WHEREAS, the City of Kearney, Nebraska in accordance with Section 16-117 of the Nebraska Revised Statutes is considering the annexation of contiguous or adjacent lands, lots, tracts, streets or highway as are urban or suburban in character and a plan for extending city services to the following described tract of land: Lot 1, Knapp's Second Subdivision of Buffalo County, Nebraska; and

WHEREAS, the City Council will conduct a public hearing on December 28, 2010 or as soon thereafter as the matter may be heard to receive testimony from all interested parties and/or individuals; and

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

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

BE IT FURTHER RESOLVED that a public hearing on the proposed annexation shall be held at 7:00 p.m. on December 28, 2010, or as soon thereafter as the matter may be heard, in the City Council Chambers located at City Hall, 18 East 22nd Street, Kearney, Nebraska to receive testimony from all interested parties and/or individuals.

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

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

PASSED AND APPROVED THIS 14TH DAY OF DECEMBER, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS: NPPD - \$64,113.05, PLATTE VALLEY STATE BANK - \$48,925.28, SCHOOL DISTRICT #7 - \$6,499.05

Mayor Clouse stated that with the absence of Council member Kearney and the abstention of Council members Buschkoetter and Lammers, the Open Account Claim for School District #7 will be placed on the next agenda for approval.

Moved by Buschkoetter seconded by Lammers that Open Account Claims in the amount of \$64,113.05 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Lammers. Nay: None. Clouse abstained. Kearney absent. Motion carried.

Moved by Clouse seconded by Lammers that Open Account Claims in the amount of \$48,925.28 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter. Nay: None. Lear abstained. Kearney absent. Motion carried.

VII. REPORTS

UPDATE ON KEARNEY REGIONAL AIRPORT

Airport Manager Jim Lynaugh gave an update on the ongoing and upcoming projects. Most recently was the inspection for the F.A.A. Part 139 certification. F.A.A. inspects twelve different areas. Some of the highlights are: air field inspection, airport staff training, ARFF training requirements, airport fueling systems, etc. There were no discrepancies which is great.

Some of the projects that have been completed or nearing completion are: the new signage at the Airport, the entrance is very sharp with the new landscaping which runs along the street, renovated one of the older hangars by repairing the roof and painting the building, the newly constructed snow removal equipment facility, the newly renovated FBO facility, the rehabilitation and addition of the terminal facility, and the parking lot rehabilitation and extension.

Some of the future projects include: the extension of the supplemental runway which runs northwest/southeast which will accommodate larger aircraft, a better safety margin. If work needs to be done of the primary runway, this supplemental runway will take care of the load while the primary runway is under construction. The estimated cost of the extension of the supplemental runway is \$2.2 million. In five years, the primary runway will be a huge project because it will have a total rehab. This runway is 7,093' by 150' wide and will be completely concrete which will increase the weight factor for that runway to handle larger aircraft. Along with this project is the taxiways will also be renovated. The estimated cost for the primary project is ranges from \$5-\$7 million.

The Airport is also changing its class from a Class III Airport to a Class II Airport. This will necessitate the hiring of additional firefighters to handle the program, and it enhances the Airport's safety capability if there were to be an incident. The Class II Airport becomes less restrictive which would allow larger aircraft to come in.

The Airport recently received a \$50,000 planning grant from the Department of Transportation. The primary purpose for that grant is to allow the Airport to handle larger aircraft. There are going to be some major changes over the next five years in regional air service. The funds received from this grant will be used to hire a firm to come in to do a feasibility study to determine what kind of service Kearney can sustain and get the Airport in the right direction. If Kearney chooses to have a second carrier, this firm will help Kearney do that.

Kearney going to a Class II airport will give it flexibility as it looks toward essential air service. It is likely that essential air service is going to change in the future and Kearney needs to be prepared to look at other alternatives, to see if there are some competitive advantages with its location and opportunities that are out there. F.A.A. has gotten a little more flexible on essential air service and has allowed those funds to go toward different types of aircraft and patterns that they may have done in the past.

VIII. ADJOURN

Moved by Lear seconded by Buschkoetter that Council adjourn at 7:41 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Kearney absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**