

Kearney, Nebraska
May 28, 2024
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 May 28, 2024 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, City Clerk; Council Members Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Randy Buschkoetter. Brenda Jensen, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Andy Harter, Director of Public Works; Mike Young, Captain of Police Services; Jason Whalen, Fire Administrator; Sarah Sawin Assistant Utilities Director; Melissa Dougherty-O'Hara, Assistant Development Services Director, and Brad DeMers, Assistant to the City Manager, were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

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 on the wall of the Council Chambers.

RECOGNITION/ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

FINAL PLAT AND SUBDIVISION AGREEMENT FOR CLINCHS TECH PARK SUBDIVISION

Mayor Clouse opened the public hearing on the application submitted by Jestin Clinch, Clinch Storage, LLC and Oak Creek Engineering for Clinch Storage, LLC (current owner: CRST, LLC, Dawn M. Chavanu, Manager (M.A.)), for the Final Plat and Subdivision Agreement for Clinchs Tech Park Subdivision, an addition to the City of Kearney, Buffalo County Nebraska for property described as being part of Government Lot 7 and accretions located in the Northeast Quarter of Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 625 East 1st Street, a vacant parcel) and consider Resolution No. 2024-58.

Josh Gilbertson, Oak Creek Engineering, presented this matter to the Council. Mr. Gilbertson stated property lines for the existing parcel have not changed and explained that the parcel was given a subdivision name and platted, due to it being unplatted prior to this request.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-58 approving the Final Plat and Subdivision Agreement for Clinchs Tech Park Subdivision, an addition to the City of Kearney, Buffalo County Nebraska for property described as being part of Government Lot 7 and accretions located in the Northeast Quarter of Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 625 East 1st Street, a vacant parcel). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2024-58

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Clinchs Tech Park Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 7 and accretions located in the Northeast Quarter of Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; now annexed to the City of Kearney, more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of said Section 13 and assuming the North line of Government Lot 7 and the North Line of the Northeast Quarter of said Section as bearing East and all bearings contained herein are relative thereto; thence East on the North Line of Government Lot 7 and the North Line of the Northeast Quarter of said Section a distance of 19.5 Feet to the actual Place Of Beginning; thence continuing East on the afore described course a distance of 1009.5 Feet to a point that intersects on the centerline of an Existing Channel; thence S45°16'45"W a distance of 234.97 feet to a point that intersects on the North Right-Of-Way Line of U.S. Highway No. I-80; thence S83°58'03"W and on the aforesaid North Right-Of-Way line a distance of 837.0 feet; thence leaving said Right-Of-Way line N02°17'57"W a distance of 253.5 feet to the Place Of Beginning (Containing 4.346 Acres, more or less of which 0.752 acres, more or less, are presently being used for road purposes on the North Side; formerly known as: all that portion of the

following described tract which lies North of the North Right-Of-Way of U.S. Highway No. I-80; a tract of land located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as: commencing at a point which is 19.5 feet East of the Northwest Corner of the Northeast Quarter of said Section 13; thence East along the Section Line to the Centerline of Walker Channel; thence Southwesterly along the Centerline of Walker Channel to a point 8 feet West of the Centerline of said Section 13; thence Northeasterly to the Point Of Beginning, as more particularly shown on certain survey dated February 18, 1977, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

IV. CONSENT AGENDA

Moved by Moore seconded by Lear that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

1. Approve Minutes of Regular Meeting held May 14, 2024.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

1000bulbs.com \$253.23 smcs; 24 Hour Wrist Bands \$171.20 smcs; 4Imprint \$2,304.01 smcs; 7-Eleven \$38.41 smcs; 911 Custom \$3,101.20 co; Ace Hardware \$641.70 smcs; Acushent \$9,774.77 smcs; Advance Auto Parts \$49.98 smcs; Advanced Satellites \$924.98 smcs; AED Superstore \$2,644.00 smcs; Airport Lighting \$404.48 smcs; Alfred

Benesch \$32,024.63 co; Alien Gear Holsters \$469.71 smcs; All City Garage Door \$2,296.00 smcs; Allo \$165.00 smcs; Ally B Designs \$353.44 smcs; Altec \$467.33 smcs; Amazon \$16,012.49 smcs,co; American \$2,662.72 smcs,co; American Airlines \$756.19 smcs; American Backflow \$3,497.73 smcs; American Fence \$285.39 smcs; American Instants \$89.46 smcs; American Legion \$118.69 smcs; American Library Assn. \$46.61 smcs; American Red Cross \$880.00 smcs; Andersen Wrecking \$120.00 smcs; Anderson Ford \$179,916.00 co; Anythingtruck.com \$685.90 smcs; Apollo Med \$80.00 smcs; Apple \$16.18 smcs; Aramark Uniform \$368.20 smcs; Arbiico Organics \$160.30 smcs; Arms Unlimited \$772.50 smcs; Arnold Motor \$567.50 smcs; Ask Supply \$7,101.13 smcs,co; Assn. Threat Assessment \$100.00 smcs; AT&T \$1,248.59 smcs; Aurora Coop \$467.12 smcs; Authorize.net \$10.00 smcs; AV Fuel \$24,966.43 smcs; B&H Photo \$342.38 co; B2B Prime \$179.00 smcs; Bachman, S \$24.47 smcs; Badge & Wallet \$193.00 smcs; Baker & Taylor \$1,724.24 smcs; Banner Buzz \$432.21 smcs; Barbee, J \$25.74 smcs; Barco Municipal \$4,525.49 smcs; Barkus, C \$31.34 smcs; Barnes, J \$400.00 smcs; Barth Financial \$370.00 smcs; Baum Hydraulics \$2,393.67 smcs; Beacon Athletics \$315.06 smcs; Benson, K \$9.70 smcs; Blackstone Library \$908.86 smcs; Bluecross Blueshield \$176,636.02 smcs; Bomgaars \$468.09 smcs; Boogaarts \$36.39 smcs; Booton, L \$73.80 smcs; Bosselman \$1,772.21 smcs; Brady Worldwide \$97.60 smcs; Branded Bills \$475.88 smcs; Broadfoot's \$584.00 smcs; Bruce Furniture \$1,856.00 smcs; Buffalo Co. Board Comm. \$18,725.02 co; Buffalo Co. Extension \$675.00 smcs; Buffalo Co. Sheriff \$245.00 smcs; Buffalo Co. Treasurer \$6,435.35 smcs,ds; Buffalo Outdoor Power \$1,110.95 smcs; Builders \$1,328.79 smcs,co; C&I Equipment \$368.00 co; Cabela's \$59.99 smcs; Calendly \$144.00 smcs; Camera Doctor \$20.55 smcs; Candlewood Suites \$128.03 smcs; Canva \$119.40 smcs; Carquest \$132.97 smcs; Casey's \$11.97 smcs; Cash Wa \$14,335.66 smcs; CDW \$2,342.44 smcs; Celebration on Central \$43.84 smcs; Cellebrite \$330.00 smcs; Center Point \$79.86 smcs; Central Comm. College \$300.00 smcs; Central NE Bobcat \$3,258.55 smcs; Central NE Rehab \$165.00 ps; Central State Safety \$2,076.00 smcs; Chavez, K \$127.00 smcs; Chem Search \$365.00 smcs; Chesterman \$3,468.46 smcs; Child's World \$1,325.20 smcs; Cintax \$343.92 smcs; City of KY \$27,341.40 smcs,ps; City Plumbing \$2,268.86 smcs; Civic Plus \$1,028.68 smcs; Clark, C \$95.00 smcs; Clark, D \$95.00 smcs; CNRA \$103.00 smcs; Cold Spring \$1,491.00 smcs; Comm. Action Mid NE \$1,916.00 smcs; Commonwealth Electric \$143.64 smcs; Compuweigh \$20,710.00 co; Conner, S \$300.00 smcs; Consolidated Mgmt. \$398.95 smcs; Constant Contact \$145.00 smcs; Construction Rental \$1,748.90 smcs; Control Yours \$110.00 smcs; Copycat Printing \$536.23 smcs; Country Partners \$22,152.28 smcs; Court Reserve \$155.13 smcs; Crouch Recreation \$515.00 co; Crown Awards \$492.00 smcs; Culligan \$325.20 smcs; Cummins \$2,268.92 smcs; Cutter & Buck \$1,856.89 smcs; Cutting Edge Cleaning \$175.00 smcs; D & K Products \$161.67 smcs; Daehling, H \$56.30 smcs; Daigle Law Group \$2,160.00 smcs; Davis Equipment \$5,436.42 smcs; Dawson Public Power \$26,220.29 smcs; Daylight Donuts \$15.04 smcs; Deep Discount \$74.43 smcs; Demco \$82.89 smcs; Dennis, N \$243.00 smcs; Depository Trust \$642,387.50 ds; Desert Snow \$719.97 smcs; Deterding's \$20,484.67 smcs; Dharm \$38.26 smcs; Dish \$145.11 smcs; Displays2go \$192.52 smcs; Dollar Tree \$5.35 smcs; Dowhy Towing \$200.00 smcs; Drip Depot \$401.56 smcs; Dropbox \$119.88 smcs; DTS Technology \$32.09 smcs; Dunkin \$188.99 smcs; Eakes \$3,901.25 smcs; Earl May \$248.23 smcs; Ebay \$304.32 smcs; Echo Electric \$219.36 smcs,co; Ecolab \$129.91 smcs; Edeal, T \$38.10 smcs; Eileen's \$63.70 smcs; Eirich, D \$1,935.35 smcs; Elevator Key \$35.57 smcs; Elliott Equipment \$511.34 smcs; Embassy Suite \$130.70 smcs; Emblem Authority \$237.00 smcs; Enterprise \$11.70 smcs; Eurofins \$1,210.00 smcs;

Expression Wear \$636.00 smcs,ps; Eyemed \$2,223.10 smcs; Facebook \$695.58 smcs; Family Fresh Market \$24.46 smcs; Family Practice \$39.00 ps; Farmers Union \$85.50 smcs; Fastenal \$571.12 smcs; Faz, A \$122.00 smcs; FBI Nat'l Academy \$615.00 smcs; FBI Retail \$367.90 smcs; Fearless Ink \$378.00 smcs; Fedex \$95.43 smcs; Fiddelke Heating \$39.00 smcs; Fill-N-Chill \$19.49 smcs; Fire Com \$375.00 smcs; Fire Safety Education \$1,001.50 smcs; First Tactical \$1,946.50 smcs; Fleet Expo \$1,195.64 smcs; Fleet Farm \$524.22 smcs; Flores, E \$131.96 smcs; Forensics Source \$269.49 co; Frontier \$3,169.45 smcs; Full Wedge Golf \$3,560.00 smcs; Fun Express \$60.39 smcs; Fyre Modern Grill \$45.78 smcs; Gale \$756.54 smcs; Galls \$1,109.00 smcs,ps; Garrels, J \$550.00 smcs; Garrett Tires \$12,378.99 smcs; Gary Gross Truck \$25,016.06 co; Gaylord Texan \$1,134.06 smcs; GD Concrete \$25,860.00 smcs,co; GDIT FAA \$15.00 smcs; Gemplers \$221.03 smcs; Get Sling \$279.50 smcs; GK Petroleum \$27.97 smcs; Glass Doctor \$344.29 co; Glendale Parade \$278.80 smcs; Glowforge Store \$489.99 smcs; GMStek \$975.94 smcs; Good Sportsman \$53.21 smcs; Graham Tire \$1,180.96 smcs; Grainger \$1,870.21 smcs; Grand Kubota \$289.84 smcs; Grand West \$207,769.41 co; Great Plains Comm. \$887.20 smcs; Grower's Solution \$52.37 smcs; H & H Concrete \$74,849.70 co; Hach \$7,619.15 smcs,co; Hanson, J \$36.90 smcs; Harbor Freight \$204.46 smcs; Hartman, N \$6.62 smcs; Heartland Curbing \$38,000.00 co; Heiden, J \$614.90 smcs; Hisey, C \$36.90 smcs; Hobby Lobby \$95.45 smcs; Holiday Inn \$2,208.82 smcs; Holmes Plumbing \$964.06 smcs; Home Depot \$598.09 smcs, co; Homes to Suites \$570.52 smcs; Hometown Leasing \$572.26 smcs; Hosick, D \$490.00 smcs; HTS Ag \$159.98 smcs; Hubbard, S \$8.66 smcs; Husker Auto Group \$106,799.00 co; Hydorverge \$6,363.00 smcs; Hy-Vee \$515.16 smcs; IAAI \$103.00 smcs; ID Security Online \$1,676.50 smcs; Impact Environmental \$2,115.20 smcs; Inland Truck Parts \$1,377.03 smcs; Integrated Security \$1,022.88 smcs; Interlight \$934.39 smcs; Interstate Battery \$745.85 smcs; Int'l Code Council \$125.00 smcs; Int'l Public \$611.49 smcs; Invoice Home \$5.28 smcs; Iprint Technologies \$912.00 smcs; Irobot \$37.44 smcs; IRS \$206,887.66 ps; Jack Lederman \$340.42 smcs; Jack's Uniforms \$189.89 smcs; Jackson Services \$387.17 smcs; JCB Delivery \$236.00 smcs; Jimmy Johns \$216.16 smcs; Johnson Brothers \$2,069.60 smcs; Johnson Service \$8,750.00 co; Johnson, C \$95.00 smcs; Johnstone Supply \$291.30 smcs; Joseph, J \$7.24 smcs; Kaw Valley \$55.41 smcs; KY Animal Shelter \$15,218.93 smcs; KY Concrete \$7,759.95 smcs,co; KY Crete & Block \$1,061.38 smcs,co; KY Equipment \$790.17 smcs; KY Family YMCA \$100.00 smcs; KY Power Sports \$157.95 smcs; KY Public Library \$50.00 smcs; KY Tire & Auto \$450.12 smcs; KY Towing \$280.00 smcs; KY Warehouse \$243.14 smcs; Kelly Supply \$2,832.51 smcs; Key Me Locksmiths \$60.93 smcs; KGFW KQKY \$404.50 smcs; Kiger, S \$50.00 smcs; Killion, C \$165.00 smcs; Kimball Midwest \$443.55 smcs; Kobus \$10,070.00 smcs; Konica Minolta \$527.86 smcs; Kully Supply \$348.87 smcs; Kum & Go \$67.22 smcs; KVFD \$350.00 smcs; Landmark Implement \$5,434.94 smcs; Laser Labs \$89.00 smcs; Lawn Builders \$15,000.00 co; Lee Advertising \$488.61 smcs; Lego \$231.01 smcs; Leopold Painting \$3,500.00 smcs; Lerner Publications \$4,609.75 smcs; Lifeguard Store \$490.24 smcs; Light & Siren \$2,702.25 smcs; Lighthouse Uniforms \$73.05 ps; Lincoln NE Parking \$2.50 smcs; Linkedin Job \$250.00 smcs; Logan Contractors \$420.70 co; Macqueen \$6,999.98 smcs; Mallory Safety \$45.20 smcs; Mara USA \$129,506.00 smcs; Marlatt Precision \$1,865.83 smcs; Marvel Industrial \$1,038.00 smcs; Masek Golf \$236.54 smcs; Matheson \$956.90 smcs; Mauslein Welding \$1,383.95 smcs; Maverik \$41.00 smcs; Mayhew Signs \$18,500.00 co; McCartney, Erin Chpt. 13 \$157.00 ps; MCL Construction \$1,729,830.96 co; Menards \$10,519.42 smcs,co; Mena-Werth, P \$300.00 smcs; Merrill Company \$2,226.88 smcs; Mid-Atlantic Receptive \$13,000.00 smcs; Mid-Iowa Solid

Waste \$1,356.59 smcs; Midland Scientific \$639.03 smcs; Midlands Contracting \$166,374.89 co; Midplains Equipment \$4.80 smcs; Midway GM \$17.36 smcs; Midway USA \$269.88 smcs; Midwest Connect \$5,736.27 smcs; Midwest Restaurant \$656.20 smcs; Midwest Turf \$1,235.30 smcs; Miller Signs \$80.00 smcs; Milligan, C \$50.00 smcs; Mirror Image \$450.46 smcs; Mission Square \$8,162.52 ps; MOCIC \$250.00 smcs; Modern Imaging \$179.90 smcs; Moonlight Embroidery \$1,368.00 smcs; Mostek Electric \$5,785.89 smcs; Motorola \$45,988.52 smcs,co; Mouser Electronics \$208.70 smcs; Municipal Supply \$105,240.76 smcs; Mypilot Store \$53.90 smcs; Napa \$3,697.76 smcs; Nat'l Fire Protection \$175.00 smcs; Nat'l Tactical \$35.00 smcs; Navigator Motorcoaches \$2,958.50 smcs; NDEE \$300.00 smcs; NE Child Support \$1,848.04 ps; NE Crane \$399.72 co; NE Dept. Revenue \$70,093.58 smcs; NE Generator \$73,617.40 smcs,co; NE Golf Assn. \$300.00 smcs; NE Library Commission \$2,217.88 smcs; NE Machinery \$6,395.95 smcs; NE Peterbilt \$114.04 smcs; NE Public Health \$105.00 smcs; NE Safety & Fire \$945.00 smcs; NE Secretary of State \$90.00 smcs; NE Society of CPAs \$569.00 smcs; NE Truck Center \$3,648.50 smcs; Nebraskaland Distrib. \$2,229.73 smcs; NELETC \$320.00 smcs; Netgate \$815.68 co; Network Solutions \$19.97 smcs; Nevco \$2,453.68 smcs; NI NDA Permit \$50.00 smcs; Nichols, E \$95.00 smcs; Northern Safety \$71.04 smcs; Northwest Electric \$961.01 smcs; Northwestern Energy \$6,208.80 smcs; NRPA \$900.00 smcs; NSVFA \$450.00 smcs; Nuttelman Fencing \$793.55 smcs; Obrecht, J \$26.80 smcs; ODP Business \$80.39 smcs; Office Max \$529.07 smcs; Omnify \$525.00 smcs; One Call Concepts \$728.34 smcs; O'Reilly Auto \$1,716.16 smcs; OTC Brands \$77.73 smcs; Overhead Door \$792.00 smcs; Panera Bread \$26.78 smcs; PB Leasing \$65.97 smcs; Peerless Machine \$14,879.50 smcs; Penworthy \$431.43 smcs; Petsmart \$480.76 smcs; Phillips 66 \$93.94 smcs; Pilot \$78.50 smcs; Pitney Bowes \$517.50 smcs; Platinum Awards \$224.35 smcs,co; Platte Valley Auto \$2,674.39 smcs,co; Platte Valley Comm. \$24.00 smcs; Poets Wear Prada \$66.49 smcs; Polka Dot \$1,200.00 smcs; Poster My Wall \$29.95 smcs; Presto-X \$265.92 smcs; PRI Mgmt. Group \$179.00 smcs; Proactive Sports \$415.66 smcs; Project Lifesaver \$132.50 smcs; Propper E-Commerce \$409.98 smcs; Pump & Pantry \$120.53 smcs; PVC \$698.97 smcs; PVS DX \$26,120.41 smcs; QA Balance \$125.00 smcs; QT \$37.56 smcs; Quill \$1,201.15 smcs; R&R Repair \$231.26 smcs; Rasmussen Mechanical \$4,914.85 smcs; Ravenna Newspaper \$46.00 smcs; Rawlings, G \$95.00 smcs; RDG Planning \$36,788.28 co; Ready Mixed Concrete \$1,211.60 co; Reams \$1,935.00 smcs; Recronics \$1,098.85 smcs; Redman's Shoes \$150.00 smcs; Reinke's Heating \$17.70 smcs; Remarkable \$457.96 smcs; Rentokil \$73.22 smcs; Republic Nat'l Distrib. \$1,418.80 smcs; Resource Mgmt. \$1,631.00 smcs; Rheome Tree \$9,600.00 smcs; Rhodus, D \$75.00 smcs; Rugs.com \$125.55 co; Russell's Appliance \$500.00 smcs; Safe Kids Worldwide \$190.00 smcs; Safety Products \$93.59 smcs; Sahling Kenworth \$934.71 smcs; Salon 7Eighty8 \$30.00 smcs; Sampson Const. \$1,023.86 co; Sapp Bros. \$6,385.34 smcs; Saylor Screenprinting \$909.09 smcs; Schumacher Fencing \$935.29 smcs; Scribe \$278.40 smcs; See Clear Cleaning \$1,047.50 smcs; Shell Oil \$33.86 smcs; Sherwin Industries \$525.08 smcs; Sherwin Williams \$274.52 smcs,co; Shredding Solutions \$185.59 smcs; Shutterstock \$31.04 smcs; Sierra \$141.24 smcs; Sign Center \$394.04 smcs; SignIt \$88.00 smcs; Siteone Landscape \$4,444.33 smcs,co; SLA Corp \$191.94 smcs; Smallcakes \$196.00 smcs; SOS Portable Toilets \$527.60 smcs; Soulovera \$300.00 smcs; Southern Glazier's \$4,781.32 smcs; Southwest Airlines \$747.97 smcs; Spaghetti Works \$104.00 smcs; Spectrum \$1,109.62 smcs; Spellman, J \$464.23 smcs; Sprinkler Warehouse \$2,126.79 smcs; Starbucks \$52.55 smcs; State Electrical \$63.00 smcs; Steinbrink \$9,564.81 smcs,co; Stitch 3 \$44.94 smcs; Stitch Upholstery \$75.00 smcs; Stomp Chomp \$423.85

smcs; Stutsman \$2,196.00 smcs; Sunbelt Rentals \$630.17 smcs; Supply House \$1,110.09 smcs; Swim Outlet \$2,471.89 smcs; T&T Mobile Washing \$100.00 smcs; Target \$433.00 smcs,co; Tech Masters \$1,981.97 smcs; Tennant Company \$871.60 smcs; Tennis Warehouse \$59.76 smcs; Texoma Golf \$149.81 smcs; TimeClock Plus \$126.00 smcs; Titan Machinery \$1,960.98 smcs; Tommy's Express \$10.00 smcs; Totally Promotional \$385.00 smcs; TownePlace Suites \$729.85 smcs; Tractor Supply \$350.08 smcs; Trade Well Pallet \$1,250.00 smcs; Traffix Devices \$2,545.00 co; Transunion \$1111.20 smcs; Tri Co Glass \$730.00 smcs; Trudoor \$203.07 co; True Value \$845.78 smcs; Turner Body \$14,750.00 smcs; TVH parts \$960.00 smcs; Twin City Hardware \$290.89 smcs; Twitter \$84.00 smcs; Uber \$102.38 smcs; Uline \$1,239.05 co; Union Bank & Trust \$107,165.87 ps; Unique Mgmt. \$151.45 smcs; UPS Store \$422.65 smcs; USPS \$432.28 smcs; Van Wall Equipment \$376.20 smcs; Verizon \$13,150.55 smcs; Village Services \$258.79 smcs; Vistaprint \$421.46 smcs; VW Golf \$159.64 smcs; Walmart \$2,521.97 smcs; Ward Laboratories \$47.30 co; Warren-T Plumbing \$328.80 smcs; Warrington, D \$146.00 smcs; Waugh, B \$54.94 smcs; Weathertech \$157.23 smcs; Webstaurant Store \$64.41 smcs; WEF Payment \$99.00 smcs; Western NRG \$225.00 smcs; Whalen, J \$15.00 smcs; White, E \$11.54 smcs; Wilcac Life \$5.00 ps; Winlectric \$9,943.68 smcs,co; Winnelson \$5,973.86 smcs,co; Winzer \$992.64 smcs; World Herald \$409.86 smcs; Worley Monument \$1,985.00 smcs; WPCI \$624.18 ps; Yanda's \$59.95 smcs; Young, M \$122.00 smcs; Youtube \$426.80 smcs; Zoro Tools \$124.68 smcs; Payroll Ending 05/18/2024 -- \$661,156.57. 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 June 11, 2024 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Rescind Resolution No. 2024-56 approved at the April 23, 2024, City Council meeting that approved a redevelopment project for one twenty-four-unit apartment complex submitted by Younes Development (Peanut Butter & Jelly, LLC) for Redevelopment Area No. 8 located at 1011 West 3rd Street.
5. Adopt Resolution No. 2024-72 approving the Municipality Program Agreement between the State of Nebraska Department of Transportation, and the City of Kearney, a municipal corporation of the State of Nebraska for the construction of a new roundabout on U.S. Highway 30 (US-30) at the US-30/University Drive intersection in the City (2025 Part 2 Improvements - Highway 30 and University Drive Roundabout).

RESOLUTION NO. 2024-72

WHEREAS, Neb. Rev. Stat. §13-807 authorizes public agencies to contract to perform any governmental service, activity, or undertaking which at least one of the public agencies entering into the contract is authorized by law to perform; and

WHEREAS, a Municipality Program Agreement has been drafted between the State of Nebraska Department of Transportation, and the City of Kearney, a municipal corporation of the State of Nebraska with the purpose and objective of said Agreement being to outline the following Sections of the Agreement: "Duration of the Agreement", "Description of the Work", "City's Responsibilities", "Modifications to Roadway Lighting System", "State's Responsibilities", "Additional City Responsibilities", "Liability", "Fair

Employment Practices Act”, “Severability”, and “Completeness” for the construction of a new roundabout on U.S. Highway 30 (US-30) at the US-30/University Drive intersection in the City (2025 Part 2 Improvements - Highway 30 and University Drive Roundabout).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Municipality Program Agreement between the State of Nebraska Department of Transportation, and the City of Kearney, a municipal corporation of the State of Nebraska pertaining to the construction of a new roundabout on U.S. Highway 30 (US-30) at the US-30/University Drive intersection in the City (2025 Part 2 Improvements - Highway 30 and University Drive Roundabout) be and is hereby accepted and approved. The Agreement, marked Exhibit “A”, is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Adopt Resolution No. 2024-73 approving the Application and Certificate for Payment No. 21 in the amount of \$1,040,969.32 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2024-73

WHEREAS, John T. Jones Construction Co. has performed services in connection with WWTP Phase II Improvements; Water Resource Recovery Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 21 in the amount of \$1,040,969.32 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,858,000.00</u>
Change Order No. 1 (07-12-2022)	- 639,633.00
Change Order No. 2 (08-22-2023)	<u>+ 21,141.00</u>
Contract Sum To Date	35,239,508.00
Gross Amount Due	31,835,043.05
Retainage	<u>- 1,539,163.20</u>
Amount Due to Date	30,295,879.85
Less Previous Certificates for Payment	<u>- 29,254,910.53</u>
Current Payment Due	<u>\$ 1,040,969.32</u>
Balance to finish, including retainage	\$ 4,943,628.15

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

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

7. Adopt Resolution No. 2024-74 approving the Letter Agreement for Professional Services (Master Agreement), Olsson’s General Provisions for the Highway 30 and University Drive Intersection Final Design, Kearney, Nebraska project (2025 Part 2 Improvements – Highway 30 and University Drive Roundabout) between the City of Kearney and Olsson, Inc.

RESOLUTION NO. 2024-74

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute the Letter Agreement for Professional Services (Master Agreement), Olsson’s General Provisions for the Highway 30 and University Drive Intersection Final Design, Kearney, Nebraska project (2025 Part 2 Improvements - Highway 30 and University Drive Roundabout). The Letter Agreement for Professional Services (Master Agreement), Olsson’s General Provisions, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

8. Adopt Resolution No. 2024-75 approving the Agency Agreement between the City of Kearney and the Nebraska Department of Transportation, Division of Aeronautics for Project No. 3-31-0045-040-2024 (A01), allowing the Nebraska Department of Transportation, Division of Aeronautics to act as the City’s agent for the project.

RESOLUTION NO. 2024-75

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE NEBRASKA DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS FOR PROJECT NO. 3-31-0045-040-2024 (A01) TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT.

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

1. The City of Kearney shall enter into an Agency Agreement with the Department of Transportation, Division of Aeronautics for Project No. 3-31-0045-040-2024 (A01) for the purpose of obtaining federal assistance in the development of the Airport and that such Agreement shall be set forth hereinbelow.
2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.
3. The said Agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit “A”.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8675 AMENDING SEVERAL SECTIONS OF CHAPTER 4 "FIRE REGULATIONS"

Council Member Lear introduced Ordinance No. 8675 amending several Sections of Chapter 4 "Fire Regulations" as follows: Section 4-101 "Fire Zones" to amend Section title and clarify fire districts; Section 4-301 "International Fire Code; Adoption" to amend Section title, and adopt NFPA Fire Code, 2012 Edition with Nebraska Amendments 2019, and NFPA 101, Life Safety Code 2012 Edition with Nebraska Amendments; to specifically repeal Section 4-301.2 "International Fire Code; Amendments"; Section 4-401, "Removal of Fire Damaged, Combustible Buildings; Required" to include basis of determination of damage, 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8675. 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, Moore, Lear, Nikkila. Nay: None. Buschkoetter 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. 8675 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8675 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8675 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 and the Kearney Public Library.

ORDINANCE NO. 8676 AMENDING SEVERAL SECTIONS OF ARTICLE 7 "ELECTRICITY" OF CHAPTER 9 "PUBLIC WORKS"

Council Member Lear introduced Ordinance No. 8676 amending several Sections of Article 7 "Electricity" of Chapter 9 "Public Works" of the City Code as follows: Section 9-706 "Electrical Inspector; Duties Generally" to amend direction and supervision of Electrical Inspector; Section 9-707 "Electrical Inspector; Right of Entry" to amend language; Section 9-708 "Electrical Inspector; Inspections Generally" to amend language; Section 9-711 "Electrical Inspector; Correction of Dangerous Installations" to amend language and requirements for inspection requests; Section 9-712 "Electrical Inspector;

Work Stoppage” to add Building Official designee for work stoppage order; Section 9-715 “Electricians, Fire Alarm Installers; Registration Required” to amend language; Section 9-716 “Electricians, Fire Alarm Installers; Application for Registration” to amend registration requirements; Section 9-717 “Electricians, Fire Alarm Installers; Installations by Unregistered Electricians or Fire Alarm Installers” to amend permit requirements; Section 9-723 “Electricians, Fire Alarm Installers; License Renewal for City Licenses Only” to amend language; Section 9-726 “Electricians, Fire Alarm Installers; Permitting Others to Use License Prohibited” to amend language; to specifically repeal Section 9-727 “Electricians, Fire Alarm Installers; Qualifications for Nonresident Contractors”; Section 9-728 “Electricians, Fire Alarm Installers; Owner’s Maintenance Permit Conditions; Fee” to amend language and license submittal requirements; Section 9-729 “Electricians, Fire Alarm Installers; Inspections” to amend duties and inspection request requirements; Section 9-734 “Electrical Code; Adopted” to amend Electrical Code Edition; To add Section 9-734.1 “Electrical Code; Amendments”; to specifically repeal Section 9-736.1 “Service Masts as Supports”, 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8676. 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, Moore, Lear, Nikkila. Nay: None. Buschkoetter 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. 8676 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8676 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8676 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 and the Kearney Public Library.

ORDINANCE NO. 8677 AMENDING SEVERAL DIVISIONS AND SECTIONS OF ARTICLE 10 “PLUMBING CODE” OF CHAPTER 9 “PUBLIC WORKS”

Council Member Lear introduced Ordinance No. 8677 amending several Divisions and Sections of Article 10 “Plumbing Code” of Chapter 9 “Public Works” of the City Code as follows: Section 9-1017 “Amendments to Uniform Plumbing Code, 2021 Edition” to add note to Table 422.1 “Minimum Plumbing Facilities” of the Uniform Plumbing Code, and to amend exception of Section 603.4.2 “Testing” of the Uniform Plumbing Code and to amend “Exceptions” section number of the Uniform Plumbing Code; Section 9-1018 “Septic Systems and Leach Fields” to amend Appendix H Uniform Plumbing Code Edition Year, and update name of Department of Environment and Energy and amend occupancy

issuance requirement; Section 9-1020 "Oil Interceptors for Service Facilities and Manufacturing Processes" to amend language for clarification purposes, and amend Table, and delete Table note; Section 9-1030 "Permits and Permit Requirements" to amend permit requirements; Section 9-1031 "Owner to Allow Only Licensed Plumber to do Work" to add language for clarification purposes; Section 9-1032 "Minor Installations by Owner" to amend language for clarification purposes; Section 9-1035 "Plumbing Permit Fees" to amend language for clarification purposes; Section 9-1040 "Registration and Licensing of Plumbers" to amend language; Section 9-1041 "Classifications of Licenses" to amend language for clarification purposes; Section 9-1043 "License Fees" to amend examination fee payment requirements; Section 9-1044 "Application for Registration" to amend registration requirements; Section 9-1048 "Examination and Licensing Requirements" to amend language for clarification purposes; Section 9-1049 "Issuance of License" to amend licensing and testing requirements; Section 9-1051 "Renewal of Licenses" to amend language for clarification purposes; Section 9-1052 "Revocation of License" to amend license revocation or suspension process; Section 9-1053 "Permitting Others to Use License" to amend language; Section 9-1055 "Licenses; Reciprocity" to amend testing exemption requirements and amend language for clarification purposes, 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8677. 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, Moore, 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. 8677 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8677 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8677 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 and the Kearney Public Library.

VI. REGULAR AGENDA

ORDINANCE NO. 8678 AUTHORIZING THE ISSUANCE OF COMBINED UTILITIES REVENUE BONDS

Mayor Clouse opened Regular Agenda Item 1 authorizing the issuance of Combined Utilities Revenue Bonds, Series 2024, of the City of Kearney, Nebraska, in the aggregate principal amount of five million two hundred fifty-thousand dollars (\$5,250,000) for the purpose of paying the cost of maintaining, extending, enlarging and improving the

waterworks plant and water system and the sewage disposal plant and sanitary sewer system of the city; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said city for the payment of said bonds and interest thereon; authorizing officers of the city to make arrangements for the sale of the bonds and to designate the final terms, rates and maturity schedule for said bonds within stated parameters; providing for the collection, segregation and application of the revenues of said waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system and consider Ordinance No. 8678.

Bruce Lefler, Piper Sandler, presented this matter to Council. Mr. Lefler noted the amount will not exceed \$5,250,000 and anticipates that only \$5,000,000 will be needed. Mr. Lefler explained this time, the bonds will be rated, which will provide for a lower interest rate, and further noted that parameters in the Ordinance will allow the Mayor or Finance Director the ability to sign off on the final terms of the bonds.

Council Member Bruce Lear questioned the savings that could be expected with rated bonds. Mr. Lefler stated potential savings could be \$100,000 less in debt service in the first five years of issuance and added that the bonds will have a 5-year term for bond call redemption.

Mayor Clouse asked if increases in costs resulted in the need for the issuance of these bonds. Brenda Jensen, City Manager, explained that the bonds were anticipated at the time the project was bid due to project costs, but the timing of when they would be needed was uncertain.

Council Member Nikkila introduced Ordinance No. 8678 authorizing the issuance of Combined Utilities Revenue Bonds, Series 2024, of the City of Kearney, Nebraska, in the aggregate principal amount of five million two hundred fifty-thousand dollars (\$5,250,000) for the purpose of paying the cost of maintaining, extending, enlarging and improving the waterworks plant and water system and the sewage disposal plant and sanitary sewer system of the city; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said city for the payment of said bonds and interest thereon; authorizing officers of the city to make arrangements for the sale of the bonds and to designate the final terms, rates and maturity schedule for said bonds within stated parameters; providing for the collection, segregation and application of the revenues of said waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system, 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 Moore seconded the motion to suspend the rules for Ordinance No. 8678. 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, Moore. Nay: None. Buschkoetter 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. 8678 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, Moore. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8678 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8678 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.

REDEVELOPMENT PROJECT FOR RUTT'S HEATING AND AC, INC

Mayor Clouse opened for discussion Resolution No. 2024-76 approving the redevelopment project submitted by Rutt's Heating and AC Inc., for Redevelopment Area No. 12 for an area described as Lots 2 and 13, and that part of a vacated 30.00-foot alley abutting Lots 2 and 13, and tract of land being part of Lots 3 and 12, all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (4215 Patriot Blvd).

Kayla James, Director of Finance, presented this matter to the Council. Rutt's Heating and AC, Inc. would like to construct two buildings totaling 21,900 square feet. Building one will consist of a shop and office space with the shop being home to the company's manufacturing operation of custom-made sheet metal products; building two will be a heated warehouse space. The proposed Project will be located at 4215 Patriot Blvd. The total new valuation of the property upon completion is estimated to be \$3,313,920 and the current valuation of the property is \$104,920; therefore, the incremental valuation is estimated to be \$3,209,000. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$58,186. The Developer is requesting Project costs totaling \$684,950. On May 21, 2024, the CRA approved TIF for this Project be granted 90% of the annual increment in real estate taxes, not to exceed the certified eligible Project Costs over a period fifteen years.

City staff agrees with the CRA's recommendation that the Project be granted 90% of the annual increment in real estate taxes, not to exceed the total of the certified eligible Project Costs.

Moved by Lear seconded by Clouse the finding that the redevelopment project set forth in the application submitted by Rutt's Heating and AC, Inc., 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 90 percent of the annual increment in real estate taxes, up to the certified eligible Project Costs over a period not to exceed fifteen

years beginning with Tax Year 2024 and to adopt Resolution No. 2024-76 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Rutt's Heating and AC, Inc. Roll call resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2024-76

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 No. 12 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, and legally described as Lots 2 and 13, and that part of a vacated 30.00-foot alley abutting Lots 2 and 13, and tract of land being part of Lots 3 and 12, all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: A tract of land, containing 2.06 acres, more or less, being part of Lot 3, part of Lot 12, and that part of vacated 30.00-foot alley abutting part of Lot 3, and part of Lot 12 all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a 5/8" rebar w/cap at the Northwest corner of said Lot 3; thence S 89°46'58" E on the North line of said Lot 3, and all bearings contained herein are relative thereto, a distance of 177.50 feet to a 5/8" rebar w/cap; thence S 00°13'02" W a distance of 503.92 feet to a 5/8" rebar w/cap on the South line of said Lot 12; thence S 89°54'55" W on said South line a distance of 177.50 feet to a 5/8" rebar w/cap at the Southwest corner of said Lot 12; thence N 00°13'02" E on the West line of said Lot 12 and the West line of said Lot 3 a distance of 504.85 feet to the Point of Beginning. (Parcel ID Nos. 620443550, 620143605, 620143555); 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 Lots 2 and 13, and that part of a vacated 30.00-foot alley abutting Lots 2 and 13, and tract of land being part of Lots 3 and 12, all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: A tract of land, containing 2.06 acres, more or less, being part of Lot 3, part of Lot 12, and that part of vacated 30.00-foot alley abutting part of Lot 3, and part of Lot 12 all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a 5/8" rebar w/cap at the Northwest corner of said Lot 3; thence S 89°46'58" E on the North line of said Lot 3, and all bearings contained herein are relative thereto, a distance of 177.50 feet to a 5/8" rebar w/cap; thence S 00°13'02" W a distance of 503.92 feet to a 5/8" rebar w/cap on the South line of said Lot 12; thence S 89°54'55" W on said South line a distance of 177.50 feet to a 5/8" rebar w/cap at the Southwest corner of said Lot 12; thence N 00°13'02" E on the West line of said Lot 12 and the West line of said Lot 3 a distance of 504.85 feet to the Point of Beginning. (Parcel ID Nos. 620443550, 620143605, 620143555); 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 Lots 2 and 13, and that part of a vacated 30.00-foot alley abutting Lots 2 and 13, and tract of land being part of Lots 3 and 12, all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: A tract of land, containing 2.06 acres, more or less, being part of Lot 3, part of Lot 12, and that part of vacated 30.00-foot alley abutting part of Lot 3, and part of Lot 12 all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a 5/8" rebar w/cap at the Northwest corner of said Lot 3; thence S 89°46'58" E on the North line of said Lot 3, and all bearings contained herein are relative thereto, a distance of 177.50 feet to a 5/8" rebar w/cap; thence S 00°13'02" W a distance of 503.92 feet to a 5/8" rebar w/cap on the South line of said Lot 12; thence S 89°54'55" W on said South line a distance of 177.50 feet to a 5/8" rebar w/cap at the Southwest

corner of said Lot 12; thence N 00°13'02" E on the West line of said Lot 12 and the West line of said Lot 3 a distance of 504.85 feet to the Point of Beginning. (Parcel ID Nos. 620443550, 620143605, 620143555); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

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

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

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

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 28TH DAY OF MAY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REDEVELOPMENT PROJECT FOR PEANUT BUTTER & JELLY, LLC

Mayor Clouse opened for discussion Resolution No. 2024-77 approving the redevelopment project (revised) submitted by Younes Development (Peanut Butter & Jelly, LLC) for Redevelopment Area No. 8 for an area described as Lot 6, Block 1, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1011 West 3rd Street).

Kayla James, Director of Finance, presented this matter to the Council. Ms. James stated on April 14, 2024, Peanut Butter and Jelly, LLC's TIF application for one (1) 24-unit "market rate" apartment complex was approved by the CRA. On April 23, 2024, City Council passed Resolution 2024-56, authorizing the Authority to execute a Redevelopment Contract with the Developer. Ms. James stated item number 4 on this evenings Consent Agenda rescinds Resolution 2024-56, as Peanut Butter and Jelly, LLC, has amended their original TIF application to include two (2) 24-unit "market rate" apartment complexes instead of one which is what is currently in front of Council. Additionally, the original TIF application indicated the Developer had received a \$750,000 Nebraska Affordable Housing Trust Fund grant through the Nebraska Department of Economic Development for the construction of which the Developer has since declined.

Ms. James stated the current revised TIF application for Peanut Butter and Jelly, LLC is for the construction of two (2) three-story 24-unit apartment complexes consisting of 12 one-bedroom units, 6 two-bedroom units and 6 three-bedroom units. The total square footage of each complex is approximately 25,128 and will be constructed of steel and wood. The Project is located at 1011 West 3rd Street. The total new valuation of the property upon completion is estimated to be \$6,593,130 and the current valuation of the property is \$16,000; therefore, the incremental valuation is estimated to be \$6,577,130. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$119,258. The Developer is requesting Project costs totaling \$1,920,000. On May 21, 2024, the CRA approved TIF for this Project be granted 90% of the annual increment in real estate taxes, not to exceed the certified eligible Project Costs over a period of fifteen years.

City staff agrees with the CRA's recommendation that the Project be granted 90% of the annual increment in real estate taxes, not to exceed the total of the certified eligible Project Costs.

Craig Bennett, Miller & Associates, reviewed changes to the building's orientation, detailed the site and circulation plans, and reviewed the three levels of the apartment complexes along with renderings of the building's elevations.

Moved by Clouse seconded by Nikkila the finding that the redevelopment project set forth in the application submitted by Younes Development (Peanut Butter & Jelly, LLC), 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 90 percent of the annual increment in real estate taxes, up to the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2024 and to adopt Resolution No. 2024-77 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Younes Development (Peanut Butter & Jelly, LLC). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2024-77

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 No. 8 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, and legally described as Lot 6 and Lot 8, Block One, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092170 and 580092171); 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 Lot 6 and Lot 8, Block One, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092170 and 580092171); 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 Lot 6 and Lot 8, Block One, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092170 and 580092171); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

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

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

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

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 28TH DAY OF MAY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REDEVELOPMENT PROJECT FOR TALMADGE JAM, LLC

Mayor Clouse opened for discussion Resolution No. 2024-78 approving the redevelopment project submitted by Younes Development (Talmadge Jam, LLC), for Redevelopment Area No. 8 for an area described as Lots 1, 5, and 6, Block 2, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (101 11th Avenue).

Kayla James, Director of Finance, presented this matter to the Council. Ms. James stated Talmadge Jam, LLC, would like to construct a two-story golf venue building with a total square footage of 19,000 square feet. The building will be constructed of steel, wood and masonry. The proposed Project will be located at 101 11th Avenue. The total new valuation of the property upon completion is estimated to be \$3,834,830 and the current valuation of the property is \$79,135; therefore, the incremental valuation is estimated to be \$3,755,695. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$68,099. The Developer is requesting Project costs totaling \$1,150,000. On May 21, 2024, the CRA approved TIF for this Project be granted 90% of the annual increment in real estate taxes, not to exceed the certified eligible Project Costs over a period of fifteen years.

City staff agrees with the CRA's recommendation that the Project be granted 90% of the annual increment in real estate taxes, not to exceed the total of the certified eligible Project Costs.

Craig Bennett, Miller & Associates, reviewed the location of the development and the surrounding construction. Mr. Bennett stated the development will be built on three lots and then reviewed the site plan and architectural renderings, noting the development will include a golf driving range, a putting green area, a place for cornhole, and pickleball courts, as well as a restaurant.

Moved by Nikkila seconded by Moore the finding that the redevelopment project set forth in the application submitted by Younes Development (Talmadge Jam, LLC), 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 90 percent of the annual increment in real estate taxes, up to the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2024 and to adopt Resolution No. 2024-78 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Younes Development (Talmadge Jam, LLC). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2024-78

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 No. 8 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, and legally described as Lots 1, 5, and 6, Block Two, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580127070 and 580127025); 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 Lots 1, 5, and 6, Block Two, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580127070 and 580127025); 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 Lots 1, 5, and 6, Block Two, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580127070 and 580127025); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

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

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

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

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 28TH DAY OF MAY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$102,808.27 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore. Nay: None. Clouse abstained. Buschkoetter absent.

Motion carried.

VII. REPORTS

Mayor Clouse stated he attended the Memorial Service at the Kearney Cemetery, noted Chief Waugh's exceptional speech, and commented on how great the cemetery looked overall.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:52 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**