

*Kearney, Nebraska
March 28, 2017
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 March 28, 2017 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Lauren Brandt, Deputy City Clerk; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Jason Whalen, Fire Administrator; and Dan Lillis, Engineering Assistant II were also present. Members of the media in the audience included: Mike Konz for Kearney Hub and Kyle LaBoria for KGFV Radio.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

Pastor Brian Klein provided the invocation.

PLEDGE OF ALLEGIANCE

One Boy Scout from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, March 27 by adding Subsection 12.

Moved by Lammers seconded by Nikkila that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held March 14, 2017.

2. Approve the following Claims:

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

1000bulbs.com \$1,097.72 smcs; 2CO.com \$35.00 smcs; 3gStore.com \$1,232.42 co; 5.11 Tactical.com \$109.98 ps; Accuquilt \$187.23 smcs; Adobe \$32.09 smcs; Adventure Enterprises \$995.00 smcs; All Makes Auto \$1,653.21 smcs; Alley Rose \$25.00 smcs; Allied Electronics \$252.18 smcs; Ally B Designs \$40.00 smcs; Altwine,A \$35.93 smcs; Amazon \$1,530.79 smcs,co; American \$755.75 smcs,co; Amer Backflow \$75.00 smcs; Amer Fence \$1,394.65 co; Amer First Aid \$877.73 smcs; Amer Legion Emblem \$42.04 smcs; Amz*Enjoybestprice \$1,781.57 co; Anderson Bros \$416.92 smcs; Apple Market \$12.02 smcs; Apple Online \$105.93 smcs; ARC Services \$382.00 smcs; Ask Supply \$211.58 smcs; Aurora Coop \$36.55 smcs; Auto Value \$123.71 smcs; Baker & Taylor \$3,397.25 smcs; Baltic Networks \$363.44 co; Bamford \$475.00 smcs; Barco Municipal \$6,272.00 smcs; Baristas \$10.00 smcs; Beacon Ballfields \$12,680.00 smcs; Bestco Services \$250.00 smcs; Big Rack Shack \$475.39 smcs; Blackstone Audio \$200.00 smcs; Blackstrap \$1,281.50 smcs; BlueCross BlueShield \$309,535.71 smcs; Boogaarts \$14.00 smcs; Bosselman \$4,229.00 smcs; Breathing Air Systems \$452.38 smcs; Broadfoot's \$1,037.00 smcs; Brownells \$205.44 smcs; Bruha,S \$250.00 smcs; BSN Sports \$2,629.85 smcs; Bubble Factory \$80.27 smcs; Buffalo Co Comm. Partners \$1,000.00 smcs; Buffalo Co Treasurer \$16.40 smcs; Buffalo Outdoor Power \$1,495.22 smcs,co; Buggy Bath \$99.35 smcs,co; Builders \$2,748.22 smcs; Cabela's \$213.98 smcs; Canva.com \$10.00 smcs; Capital Business \$242.81 smcs; Capitol Celebrations \$35.00 smcs; Carquest \$5,996.78 smcs; Cash-Wa \$934.89 smcs, ps; Cassidy,K \$15.48 smcs; Cellular Outfitter \$13.98 smcs; Cenex Farmers \$15.25 smcs; Center Point Publishing \$74.01 smcs; Central Hydraulic \$1,013.22 smcs; Central NE Bobcat \$4,919.16 smcs; Central States Wire \$6,082.40 smcs; Charter \$862.94 smcs; Chemsearch \$610.00 smcs; Chesterman \$35.10 smcs; Chicken Coop \$50.00 smcs; Cintax \$290.83 smcs; City of Ky \$16,237.94 smcs,ps; Clark Enersen \$2,490.26 co; Coldspring \$246.60 smcs; Collinson Enterprises \$65.50 smcs; Compass Tools \$325.00

smcs; Compasscom Software \$124.95 smcs; Cornhuskers Square \$2.50 smcs; Conseco Life \$19.00 ps; Construction Rental \$925.56 smcs,co; Control Yours \$370.00 smcs; Cooperative Producers \$225.60 smcs; Copycat Printing \$1,208.50 smcs,co; Corky Creations \$40.00 smcs; Crouch Recreation \$28,193.00 co; Culligan \$142.00 smcs; Danko Emergency \$94.68 smcs; Daphne's Headcovers \$248.35 smcs; Davis Equipment \$866.95 smcs; Dawson PPD \$18,281.83 smcs; Deleon,F \$14.69 smcs; Dell \$6,210.75 co; Delta Air \$1,150.00 smcs; Dish \$214.06 smcs; Dollar General \$27.29 smcs; DPC Industries \$6,952.71 smcs; Dutton-Lainson \$86.64 smcs; Eakes \$2,775.37 smcs; EB 2017 Tree Care \$80.00 smcs; Ehrlich-Rentokil \$48.19 smcs; Eileen's Cookies \$45.75 smcs; Elliott Equipment \$1,356.06 smcs; EMC Ins \$401.00 smcs; Ensley Electrical \$14,650.00 co; Enterprise \$226.60 smcs; Eustis Body Shop \$898.00 smcs; Evers,B \$675.00 smcs; Facebook \$81.59 smcs; Fair Play \$1,135.00 smcs; Fairbanks \$1,500.00 co; Family Fresh \$14.93 smcs; Fastenal \$792.10 smcs; Fedex \$119.99 smcs; First Holiday Tour \$3,115.00 smcs; Flow Products \$222.55 smcs; Friesen Cheverlot \$62.63 smcs; Front Page \$233.73 smcs; Frontier \$9,693.87 smcs; Fun Express \$32.88 smcs; Fyr-Tek \$795.50 smcs; Gale Research \$5,571.40 smcs; Ganson Engineering \$151.00 co; Ganz Title \$250.00 smcs; Garrett Tires \$7,939.56 smcs; Gate 1132 \$29.04 smcs; Gempler's \$301.31 smcs; Graham Tire \$775.96 smcs; Grainger \$2,017.74 smcs; GI Physical \$187.50 smcs; Granicus \$1,236.00 smcs; Graniteart \$318.33 smcs; Hach \$161.25 smcs; Harshbarger,K \$698.78 smcs; HD Supply \$220.21 smcs; Heartland Electric \$1,386.00 smcs; Heartland Scuba \$57.50 smcs; Hendrickson,D \$323.00 smcs; Herbergers \$169.99 smcs; Holiday Inn Express \$92.82 smcs; Holmes Plbg \$348.05 smcs,co; Hometown Financing \$265.92 smcs; Hotsy Equipment \$140.00 smcs; IBI Supplyworks \$532.84 smcs; ICMA \$6,197.34 ps; IES Commercial \$353.80 smcs; Integrated Const Mgmt \$45,000.00 co; Int'l Society Arboriculture \$195.00 smcs; Iowa Pump Works \$445.00 smcs; IPEX \$1,500.00 smcs; IRS \$159,224.73 ps; Jack Lederman \$2,696.99 smcs; JJ Keller \$325.00 smcs; Johnson Controls \$808.20 smcs; Johnstone Supply \$5.68 smcs; Joseph's Beauty College \$615.00 smcs; Ky Ace \$75.49 smcs; Ky Chamber Comm \$20.00 smcs; Ky Clinic \$502.00 ps; Ky Comm Theatre \$68.00 smcs; Ky Concrete \$845.44 smcs; Ky Crete & Block \$756.00 smcs; Ky Floral \$25.00 smcs; Ky Hub \$2,147.59 smcs; Ky Powersports \$235.51 smcs; Ky Warehouse \$317.38 smcs; Ky Winlectric \$85.61 smcs; Ky Winnelson \$54.57 smcs; Kelly Supply \$1,305.48 smcs; Ky Event Center \$368.00 smcs; Kimball Midwest \$250.70 smcs; Knox Company \$45.00 smcs; Kociemba, Travis \$21.23 smcs; Konica Minolta \$1,361.67 smcs; Landmark Implement \$216.02 smcs; Lawson Products \$258.79 smcs; Lifeguard Store \$487.85 smcs; Lockmobile \$15.40 smcs; Logan Contractor \$20,405.00 co; Marlatt Machine \$8,438.41 smcs, co; Marriott Cornhusker \$401.00 smcs; Matheson \$873.79 smcs; Maxi Sweep \$158.97 smcs; Mead Lumber \$93.69 smcs; Menards \$30.38 co; Menards \$7,338.86 smcs,co; Messenger \$376.62 smcs; Michael Todd \$927.57 smcs; Michaels Stores \$104.20 smcs; Mid-NE Garage \$1,365.00 smcs; Midnight Cleaning \$225.00 smcs; Midwest Connect \$446.47 smcs; Midwest Turf \$3,303.65 smcs; Miller & Associates \$3,200.00 smcs; Miller Signs \$868.56 smcs; Miller,D \$225.00 smcs; Miracle Recreation \$29.90 co; Mitchell 1 \$861.18 smcs; MONA \$100.00 smcs; Moonlight Embroidery \$2,050.50 smcs; Municipal Emergency \$603.42 smcs; Municipal Supply \$8,685.59 smcs; Murphy Tractor \$548.56 smcs; Musil,J \$76.50 smcs; Navigator Motorcoaches \$525.00 smcs; NE Child Support \$2,188.20 ps; NE Dept of Rev \$43,970.19 smcs; NE DHHS \$178.00 smcs; NE Golf & Turf \$95.90 smcs; NE Library Assn \$115.00 smcs; NE Machinery \$199.36 smcs; NE Public Health \$2,179.20 smcs; NE Truck Center \$2,659.64 smcs; Network Fleet \$94.75

smcs; Newman Signs \$232.79 smcs; Northwestern \$9,425.98 smcs; Nova Fitness \$340.00 smcs; Oak Creek Engineering \$5,558.25 smcs,co; OCLC \$4,084.79 smcs; Odeys \$34,880.83 smcs; Officemax \$221.40 smcs; Officenet \$339.00 smcs; Officesupply.com \$51.51 smcs; Omaha Frederick Pizza \$252.72 smcs; Omaha World Herald \$123.91 smcs; One Call Concepts \$214.74 smcs; O'Reilly Auto \$748.69 smcs; O-Ring Store \$185.00 smcs; Orscheln \$610.59 smcs,co; OTC Brands \$90.93 smcs; Ott Tours of St. Augustine \$765.00 smcs; Out of Print Clothing \$146.92 smcs; Outdoor Recreation \$15,083.10 co; Overhead Door \$100.00 smcs; Paramount \$316.63 smcs; Parsons,T \$31.00 smcs; Parts Town \$108.50 smcs; Party America \$16.44 smcs; Payne,M \$16.42 smcs; Paypal*Grchapter \$55.00 smcs; Paypal*IAPE \$50.00 smcs; Paypal*Latronicsin \$659.85 co; Paypal*Moeztech \$219.90 co; Paypal*Pcnation \$899.00 co; Paypal*Sjpaypal \$2,399.94 co; Paypal*Vertexpc \$860.40 smcs,co; Penguin Random House \$57.75 smcs; Penworthy Company \$694.59 smcs; Petco \$320.99 smcs; PF Pettibone \$531.85 smcs; Physio Control \$244.00 smcs; Platinum Awards \$60.90 smcs; Platte Valley Auto Mart \$286.46 smcs; Platte Valley Comm. \$2,434.49 smcs; Postage Refill \$975.00 smcs; Pot O' Gold \$155.00 smcs; Presto-X \$856.52 smcs; Provantage \$677.08 smcs; Psychological Resources \$1,350.00 smcs; Qualified Hardware \$1,894.00 smcs; Quality Logo Products \$162.63 smcs; Quill \$831.43 smcs; Railyardfit \$425.95 smcs; Rainbow Symphony \$33.00 smcs; RDO Truck Center \$2,016.64 smcs; Ready Mixed Concrete \$729.75 co; Recorded Books \$191.92 smcs; Recreonics \$1,113.07 smcs; Red Cross Store \$134.77 smcs; Redbox \$9.63 smcs; Redman's Shoes \$200.00 smcs; Reynolds,B \$693.00 smcs; Roesler,A \$9.36 smcs; Rogue Fitness \$144.03 ps; Rohde,R \$10.00 smcs; Rovar Park Owners \$1,489.98 smcs; Russell's Appliance \$1,099.99 co; S&S Worldwide \$98.47 smcs; Safelite Autoglass \$375.45 smcs; Sage,P \$23.53 smcs; Sahling Kenworth \$438.64 smcs; Sanitation Products \$301.60 smcs; Sapp Bros \$17,146.40 smcs; Sawin,M \$100.00 smcs; Schall,J \$10.23 smcs; Schoenhofer, Schuyler \$122.07 smcs; Sears \$1,354.95 smcs,co; See Clear Cleaning \$350.00 smcs; Sequel Book \$150.00 co; Seth Denney Painting \$6,650.00 co; Shelburne,J \$36.91 smcs; Shell Oil \$27.75 smcs; Signwarehouse.com \$40.09 smcs; Sirchie Finger Print Lab \$393.98 smcs; Sirius Computer \$3,498.00 co; Siteone Landscape \$8,136.85 co; Sozo American Cuisine \$50.00 smcs; Speed Stacks \$44.99 smcs; Staab,J \$432.00 smcs; State Fire Marshal Training \$450.00 smcs; Streakwave Wireless \$140.00 smcs; Stroud,J \$76.50 smcs; Sub-Aquatics \$452.38 smcs; Super Shine Auto \$8.75 smcs; Target \$170.43 smcs; Techsoup \$24.00 co; Ticket Omaha \$775.50 smcs; Titan Machinery \$85.00 smcs; Titleist \$1,864.76 smcs; Tractor Supply \$426.10 smcs; Tri State Oil Reclaimers \$110.50 smcs; Tri-City Sign \$262.50 smcs; TS Auto Glass \$17.00 smcs; Turner Body Shop \$381.50 smcs,co; Tyler Technologies \$900.00 smcs; Uline \$174.63 smcs; Underground Construction \$650.00 co; Union Bank & Trust \$75,536.83 ps; Unique Management \$331.15 smcs; United Seeds \$1,902.50 smcs; UNK \$238.87 smcs,ps; UPS Store \$126.46 smcs; USA Blue Book \$131.21 smcs; USA Communications \$155.95 smcs; USPS \$313.46 smcs; Van Diest Supply \$8,861.20 smcs; VanWall \$2,351.27 smcs,co; Verizon \$46.51 smcs; Viaero Center \$270.00 smcs; Walgreens \$44.33 smcs; Wal-Mart \$1,018.37 smcs,co; Walter's Electric \$815.08 smcs; Warren,A \$1,437.67 smcs; Wheeler,J \$100.00 smcs; Wick's Sterling Trucks \$518.08 smcs; Wilke's True Value \$1,018.05 smcs; WPCI \$107.00 smcs; WT Cox Subscriptions \$455.77 smcs; Young,M \$76.50 smcs; Zimmerman Printing \$127.87 smcs; Payroll Ending 3-18-2017 -- \$426,515.14. 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 April 11, 2017 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2017-38 approving Change Order No. 1 showing a decrease in the amount of \$3,040.00 and Change Order No. 2 showing a decrease in the amount of \$1,440.00 submitted by Integrated Construction Management Services for the construction of a Vehicle Storage Building for the Utilities Department.

RESOLUTION NO. 2017-38

WHEREAS, Integrated Construction Management Services from Grand Island, Nebraska has performed services in connection with the construction of a Vehicle Storage Building for the Utilities Department, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$3,040.00, as shown on Exhibit "A" and Change Order No. 2 showing a decrease to the contract sum in the amount of \$1,440.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$481,989.00
Change Order No. 1 (3-28-2017)	- 3,040.00
Change Order No. 2 (3-28-2017)	- <u>1,440.00</u>
Contract Sum To Date	\$477,509.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Change Order No. 2, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MARCH, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

5. Accept the bids received for the construction of Landfill Expansion, Cell 8 at the Kearney Area Solid Waste Landfill and adopt Resolution No. 2017-39 awarding the bid to BSB Construction from Curtis, Nebraska in the amount of \$605,790.76.

RESOLUTION NO. 2017-39

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on March 21, 2017 at 2:00 p.m. for the construction of Landfill Expansion, Cell 8 at the Kearney Area Solid Waste Landfill; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$843,570.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by BSB Construction of Curtis, Nebraska in the amount of \$605,790.76 be accepted as the

lowest responsible bid for the construction of Landfill Expansion, Cell 8 at the Kearney Area Solid Waste Landfill.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that BSB Construction be and is the lowest responsible bidder for the construction of Landfill Expansion, Cell 8 at the Kearney Area Solid Waste Landfill to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of BSB Construction in the amount of \$605,790.76 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$843,570.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 28TH DAY OF MARCH, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

6. Approve the Plans and Specifications for the construction of the Public Works Vehicle Storage Building and set the bid opening date for May 2, 2017 at 2:00 p.m.
7. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by Buffalo County Stampede 5K, 10K & Half Marathon to temporarily close portions of 11th Street, Kea West Avenue, Central Avenue, 16th Street, H Avenue, 22nd Street, North Railroad Street, 15th Avenue on June 11.
8. Approve the applications for a Special Designated License submitted by McFarland Family Farms, LLC, dba Mac's Creek Vineyards & Winery in connection with their Class YK-56229 liquor license to dispense alcoholic liquors as follows:
 - a) Inside Divas Floral located at 2223 1st Avenue on April 20, 2017 from 4:00 p.m. until 7:00 p.m. for a wine sampling event.
 - b) Inside Extreme Boutique located at 5011 2nd Avenue on May 11, 2017 from 5:00 p.m. until 8:00 p.m. for a wine sampling event.
 - c) Inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 12, 2017 from 4:00 p.m. until 9:00 p.m. for a wine sampling event.
 - d) Inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 13, 2017 from 4:00 p.m. until 9:00 p.m. for a wine sampling event.
9. Adopt Resolution No. 2017-40 approving Change Order No. 7 showing an increase in the amount of \$12,343.00 and Change Order No. 8 amending the contract deadline from October 15, 2016 to April 30, 2017 submitted by Sampson Construction and approved by Clark Enersen Partners for the construction of a new sports complex at Patriot Park.

RESOLUTION NO. 2017-40

WHEREAS, Sampson Construction Co. from Lincoln, Nebraska has performed services in connection with for the construction of a new sports complex at Patriot Park, and the City's engineer, The Clark Enersen Partners, have filed with the City Clerk Change Order No. 7 showing an increase to the contract sum in the amount of \$12,343.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$8,078,000.00
Change Order No. 1 (1-26-2016)	- 138,425.00
Change Order No. 2 (5-24-2016)	+ 35,563.00
Change Order No. 3 (7-26-2016)	+ 4,898.00
Change Order No. 4 (7-26-2016)	+ 20,839.00
Change Order No. 5 (12-20-2016)	+ 4,134.00
Change Order No. 6 (2-14-2017)	+ 1,206.00
Change Order No. 7 (3-28-2017)	+ 12,343.00
Change Order No. 8 (3-28-2017)	+ <u>.00</u>
Contract Sum To Date	\$8,018,558.00

WHEREAS, Sampson Construction Co. from Lincoln, Nebraska filed with the City Clerk Change Order No. 8 increasing the contract time by 43 days with the new contract time being April 30, 2017 as shown on Exhibit "B" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 7, as shown on Exhibit "A", and Change Order No. 8, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MARCH, 2017.

ATTEST:
 LAUREN BRANDT
 DEPUTY CITY CLERK

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

10. Approve the Plans and Specifications for the Solid Dewatering Equipment Procurement and set the bid date for May 2, 2017 at 2:00 p.m.

11. Approve the application for a Special Designated License submitted by Kearney Area Community Foundation to dispense alcoholic liquor at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Friday, May 12 and Saturday, May 13, 2017 from 5:00 p.m. until 11:30 p.m. each day for a fund raiser.

12. ADDENDUM ITEM. Adopt Resolution No. 2017-42 awarding Alternate Bid A and Alternate B of the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive to Midlands Contracting Inc. in the amount of \$88,163.00 (Bid A - Water and Sewer) and to Blessing Construction in the amount of \$225,714.35 (Bid B - Paving and Storm Sewer).

RESOLUTION NO. 2017-42

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on March 1, 2016 at 2:00 p.m. for the 2015 Part 13 Improvements; Tech One Boulevard and Global Drive; and

WHEREAS, the City has recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the amount of \$88,163.00 for Alternate Bid A (Water and Sanitary Sewer) be accepted as the lowest responsible bid; and

WHEREAS, the City has recommended the bid offered by Blessing Construction of Kearney, Nebraska in the amount of \$225,714.35 for Alternate Bid B (Paving and Storm Sewer) be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that Midlands Contracting, Inc. be and is the lowest responsible bidder for the 2015 Part 13 Improvements – Alternate Bid A to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. in the amount of \$88,163.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that Blessing Construction be and is the lowest responsible bidder for the 2015 Part 13 Improvements – Alternate Bid B to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction in the amount of \$225,714.35 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 28TH DAY OF MARCH, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

REDEVELOPMENT PROJECT FOR 228, 304 AND 306 CENTRAL AVENUE

Mayor Clouse opened for discussion the redevelopment project submitted by Jackson Construction for Redevelopment Area #2 for an area described as Lots 1, 2, 3, Jackson Riverside Addition to the City of Kearney, Buffalo County, Nebraska (228, 304 and 306 Central Avenue) and to consider Resolution No. 2017-41.

Assistant City Manager Paul Briseno presented this matter to the Council. This property is located west of Central Avenue and north of Turkey Creek, approximately east behind the Ramada Inn. The property has sat vacant for a number of years because of the infrastructure hurdles that any developer would have to overcome. Paul Jackson is

looking at developing the site, placing a 1,840 square foot facility on the property initially, with the potential to add multiple more buildings in the near future. The current value is listed as \$158,780 and with estimated improvements; it will be valued at \$600,000. CRA and City staff recommend approval of TIF at \$94,774 for site preparation, erosion control, water, sewer, electrical, parking, sidewalks and other items.

Council Member Nikkila asked if the proposal was for one building total or one building for each section. Paul Jackson stated that it was currently for one building. The building will be built on the lot to the south, adjacent to the canal and in the future, they would build two more. Council Member Lammers asked if a portion of the property sits in a floodplain. Mr. Jackson stated that the property does sit in a floodplain. A floodway would run adjacent to the first building they are constructing. Most of the lot is in a floodway which will require considerable infrastructure work needed to get the grade built up to a proper level.

Moved by Nikkila seconded by Lear finding that the redevelopment project set forth in the application submitted by Jackson Construction 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 80 percent of the anticipated TIF valuation up to a maximum of \$94,774 payable until the 15-year TIF period expires be granted and to adopt Resolution No. 2017-41 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Jackson Construction. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2017-41

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 #2 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted

its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as Lots 1, 2, 3, Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel IDs 600081000, 600081005 and 60001010); 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, 2, 3, Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel IDs 600081000, 600081005 and 60001010) 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, 2, 3, Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel IDs 600081000, 600081005 and 60001010) 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 MARCH, 2017.

ATTEST:
LAUREN BRANDT
DEPUTY CITY CLERK

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

OPEN ACCOUNT CLAIMS

Moved by Lear seconded by Buschkoetter that the Open Account Claims in the amount of \$78,733.54 payable to Nebraska Public Power District and in the amount of \$404.85 to Stanley Clouse be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Nikkila thanked Eagle Scout John Brockmeier for providing mile markings on the Cottonmill Hike/Bike Trail. The markings begin at Cottonmill and continue to 2nd Avenue and are greatly appreciated by runners. This project was as part of his Eagle Scout project.

Council Member Lammers thanked the panel presenters and Buffalo County Community Health Partners for conducting the panel forum on suicide prevention and awareness that was held on Monday, March 27, 2017 at The World Theatre.

VIII. ADJOURN

Moved by Buschkoetter seconded by Lammers that Council adjourn at 5:39 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
DEPUTY CITY CLERK**