

*Kearney, Nebraska  
February 26, 2019  
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 February 26, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Andy Harter, Assistant Director of Public Works; Dan Lillis, Engineering Assistant II and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Mike Konz from the Kearney Hub and Ryan Boyd from KGFW.

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 Kelly Larsen provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

Two Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **REZONING OF PROPERTY LOCATED AT 3760 WEST 70TH STREET**

On February 12, 2019, City Council approved the request from the applicant, Buffalo Surveying Corp. on behalf of TS Development, LLC, to postpone until March 12, 2019 the public hearing for the rezoning of property located south of 70th Street and west of 30th Avenue. Therefore, there will be no action regarding Public Hearing 1 until March 12, 2019.

#### **SALES TAX CAPITAL IMPROVEMENT PLAN**

Mayor Clouse opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska.

City Manager, Michael Morgan, presented this matter to the Council. The sales tax has leveraged significant additional funds in the form of grants and donations. Moving forward streets will remain at the forefront. There are two major projects that have not been completed yet, a new water park and an indoor recreational facility. New things have also arisen like the white water trail and pickle ball projects. The City continues to meet the goals of the percentages of debt ratio that we committed and the target balances that the Council approved in setting up the framework for the sales tax which has proven to be extremely valuable for the City.

Council Member Buschkoetter encouraged the public to bring forward ideas to use the sales tax for as well.

City Manager stated there is not a lot of money left over after the street projects. However, what is exciting for the community and the Council is the way the City is bonding these projects; in three to five years a pretty significant fund balance is being built up. In the next few years the City is making sure to meet the debt ratio so some of the large projects like Avenue N are being paid for in cash.

City Manager stated that a new fire station will be needed in the future and that is a significant project that will come back on the list as well as additional streets.

Council Member Nikkila questioned if splash pads will be put on pause now since four parks have them? City Manager stated he has not had a big demand for them at some of the newer parks and staff is further evaluating.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and approve the ½¢ Sales Tax Capital Improvement Plan (CIP) for the City of Kearney. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**ONE & SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Clouse opened the public hearing on the adoption of the One & Six Year Street Improvement Plan and to consider Resolution No. 2019-43.

Assistant Public Works Director, Andy Harter, presented this matter to the Council. He stated that since the presentation at the previous meeting on February 12, 2019, the Public Works Department has not received any comments from the public regarding additional roadwork that is needed other the projects already on the list.

City Manager advised that the City is evaluating a third lane going south on the 30th Avenue overpass which would make the bridge three lanes instead of four lanes.

Council Member Nikkila questioned what the City is anticipating happening on 2nd Avenue from the State of Nebraska. Assistant Public Works Director stated the City does not have the State's full plan yet but basically from 11th Street to 25th Street the State is supposed to be coming in to do patch work and diamond grinding areas that are rough. The 2nd Avenue bridge structure is also to be evaluated.

Council Member Moore also mentioned she received some disappointment from citizens on the State's University curves project. Citizens felt that the Nebraska Department of Transportation (NDOT) has done a great job of making the road more efficient and safer but have not really addressed the idea of walkability and bike trails available which allow students to get to campus. There are concerns about safety and students crossing wherever they wish and the plan more addresses the traffic issues.

Council Member Lear questioned if the University was involved in talks regarding the curve so they could communicate directly with the State on the concerns regarding crossing? Assistant Public Works Director feels the reduction of some of the turning movements will help with the safety with pedestrian vehicle conflict. He believes the NDOT did examine some of the walkability by moving the sidewalk off of the highway, up to the University properties.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2019-43 approving the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2019-43**

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on February 26, 2019 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2020 and the Six Year City Street Plan ending September 30, 2025, are hereby adopted as listed on the Summary of One Year Plan

and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

#### **IV. CONSENT AGENDA**

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

1. Approve Minutes of Regular Meeting held February 12, 2019.

2. Approve the following Claims:

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

1000blulbs.com \$180.26 smcs; 3GStore.com \$11,813.70 smcs; A Z Books \$70.85 smcs; AAA Rents \$537.75 smcs; Aashto\*pubs \$543.00 smcs; ABP Region13 \$85.00 smcs; Accordia Life \$1,220.00 ps; Adobe \$29.99 smcs; Advance Auto \$27.26 smcs; Alertshirt \$1,310.01 smcs; All City Garage Door \$95.00 smcs; All Makes Auto \$2,451.63 smcs; Allied Electronics \$1,322.22 smcs; Amazon \$6,376.83 smcs,co; American \$319.33 smcs; American First Aid \$38.76 smcs; American Legion \$39.85 smcs; American Planning \$514.00 smcs; Apple Market \$21.41 smcs; Ask Supply \$996.98 smcs; Aurora Coop \$107.52 smcs; Aussie Hydraulics \$36.37 smcs; Auto Value \$1,001.42 smcs; Baker & Taylor \$3,147.14 smcs; Baum Hydraulics \$36.52 smcs; Beacon Athletics \$512.00 smcs; Bells Construction \$140.00 co; Blackstone Audio Books \$40.00 smcs; Blackstrap \$25,741.35 smcs; BlueCross BlueShield \$116,448.50 smcs; Bosselman \$6,323.90 smcs; Bpad Group \$180.00 smcs; Brown,S \$18.12 smcs; Bubble Factory \$79.95 smcs; Buffalo Co. Court \$94.88 ps; Buffalo Outdoor Power \$10,925.01 smcs,co; Buggy Bath \$10.00 smcs; Builders \$872.76 smcs; Canva \$2.00 smcs; Carquest \$1,538.11 smcs; Casey's \$129.58 smcs; Cash-Wa \$1,036.05 smcs; CBA Lighting \$593.19 smcs; CDW Government \$728.24 co; Cenex \$120.16 smcs; Central Hydraulics \$480.37 smcs; Central NE Bobcat \$698.03 smcs; CFA Software \$2,995.00 smcs; Charter \$769.11 smcs; Chemsearch \$800.00 smcs; Chesterman \$112.00 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$82.49 smcs; Cintas \$273.50 smcs; City of Kry \$14,235.79 smcs,ps; City Plumbing \$1,955.92 smcs; Clarivate \$416.11 smcs; Compasscom \$157.50 smcs; Construction Rental \$133.97 smcs; Controls Yours \$200.00 smcs; Copycat \$769.29 smcs; Core & Main \$423.08 smcs; Country Partners \$14,441.75 smcs; Crayola.com \$24.87 smcs; Credit Management \$94.52 ps; Crown Awards \$143.66 smcs; Culligan \$151.91 smcs; Cummins \$339.75 smcs; Danko Emergency \$1,140.34 smcs; Dawson Public Power \$18,984.50 smcs;

Daylight Donuts \$103.75 smcs; Del City \$123.21 smcs; Dell \$17,990.39 smcs,co; Dish \$194.35 smcs; DPC Industries \$6,553.82 smcs; Dreamstime.com \$25.00 smcs; Drivers License Guide Co. \$29.95 smcs; Dutton-Lainson \$70.22 smcs; Eakes \$3,797.91 smcs; EB 100th \$130.56 smcs; Echo Electric \$700.08 smcs; Ecolab \$80.26 smcs; Ehrlich-Rentokil \$463.00 smcs; Eileen's \$115.00 smcs; Elf Enterprises \$1,139.40 smcs; Elliott Equipment \$5,991.48 smcs; Embassy Suites \$1,547.98 smcs; EMC Insurance \$11,952.98 smcs; Enforcement Video \$699.00 smcs; Ensley Electric \$41,850.00 co; Enviro Safety \$97.89 smcs; Envirotech \$16,209.60 smcs; Eustis Body Shop \$200.00 smcs; Evaw Int'l \$545.00 smcs; Expedia \$1,686.88 smcs; Express Market Place \$22.50 smcs; Express Que Place \$22.50 smcs; Eyemed \$873.54 smcs; Facebook \$10.84 smcs; Family Practice \$263.00 ps; Fastenal \$815.08 smcs; Felsburg Holt & Ullevig \$1,345.27 smcs; Fiddelke \$63.75 smcs; Fitnessfactory.com \$296.10 smcs; Force America \$229.92 smcs; Fred Pryor \$199.00 smcs; Frontier \$7,212.94 smcs; Fun Express \$138.95 smcs; Gaelton \$596.70 smcs; Garrett Tires \$17,577.56 smcs; Gaylord Brothers \$163.43 smcs; GD Concrete \$17,600.00 co; General Collection Co. \$132.73 ps; Global Industrial \$1,393.35 smcs; Glow With Us \$184.50 smcs; Graczyk Lawn \$1,022.00 smcs; Grainger \$283.01 smcs; Greater NE Cities \$1,000.00 smcs; Hernandez,A \$150.00 smcs; Hobby-Lobby \$475.30 smcs; Holmes Supply \$2,305.35 smcs; Holtz Industries \$62.99 smcs; Hy Vee \$113.77 smcs; IAEI \$40.00 smcs; ICMA \$6,331.29 ps; Interstate All Battery \$187.50 smcs; Int'l Assoc. of Fire Chiefs \$240.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$152,653.72 ps; J J Keller \$995.00 smcs; J&M Displays \$14,000.00 smcs; Jack Lederman \$755.16 smcs; Jacklynnnorm \$193.60 smcs; JMAC Supply \$576.49 smcs; Johns,G \$1.94 smcs; Johnstone Supply \$109.18 smcs; Jones Automotive \$89.89 smcs; Judge,K \$6.98 smcs; Kart-Man \$4,866.60 smcs; Kry Ace \$151.29 smcs,co; Kry Builders Assn \$675.00 smcs; Kry Chamber Comm \$550.00 smcs; Kry Concrete \$4,586.84 smcs; Kry Crete \$245.40 smcs; Kry Hub \$1,131.40 smcs; Kry Jubilee \$10.70 smcs; Kry Towing \$100.00 smcs; Kry Warehouse \$954.08 smcs; Kry Winlectric \$1,600.39 smcs; Kelly Supply \$390.67 smcs; Konica Minolta \$576.53 smcs; KSO CPA's \$27,850.00 smcs; Landmark Implement \$347.44 smcs; Law Enforcement Training \$60.00 smcs; Lawn Builders \$3,043.15 smcs; Lawson Products \$131.74 smcs; Levrack \$7,700.00 co; Lifeguard Store \$4,490.42 smcs; LMC Truck \$197.70 smcs; Lockmobile \$205.25 smcs; Loebig,C \$43.00 smcs; Lowes \$1,481.24 smcs; L-Tron \$329.00 co; Macqueen Equipment \$1,167.74 smcs; Marlatt Machine \$592.60 smcs; Masek Golf \$554.00 smcs; Masters True Value \$746.77 smcs; Matheson \$2,616.33 smcs; Matthew Martine \$150.00 smcs; Mc2 \$16,766.79 smcs; McLaughlin,P \$22.65 smcs; Mead Lumber \$1,164.68 smcs; Menards \$2,739.65 smcs; Mid American Sales Assoc. \$36.23 smcs; Mid-NE Garage Doors \$2,401.00 smcs; Midway Chevrolet \$331.83 smcs; Midwest Connect \$1,546.02 smcs; Midwest Turf \$760.12 smcs; Miller & Associates \$101,428.30 smcs,co; Miller Signs \$850.00 smcs; Mitchell 1 \$895.29 smcs; Mobile Defenders \$67.99 co; Monoprice \$44.99 co; Moonlight Embroidery \$706.62 smcs; Motorola \$194.36 smcs; Municipal Supply \$8,866.50 smcs; Murphy Tractor \$169.66 smcs; Myseniorcenter \$1,190.00 smcs; NAA/NNLA \$375.00 smcs; NCL of Wisconsin \$484.72 smcs; NE Child Support Pmt. \$2,448.89 ps; NE Code of Council \$125.00 smcs; NE Dept. of Revenue \$39,488.84 smcs; NE DHHS \$80.00 smcs; NE Game & Parks \$1,600.00 smcs; NE Peterbilt \$115.99 smcs; NE Public Health \$468.00 smcs; NE Safety & Fire \$335.00 smcs; NE Supreme Court \$145.5 smcs; NE Truck Center \$2,460.68 smcs; NE Well Drillers \$310.00 smcs; Neblibassoc \$60.00 smcs; Network Solutions \$79.98 smcs; NI SOS Nonprofit \$23.00 smcs; Nightengale,D \$194.18 smcs; Nivel parts \$611.29 smcs; NNLA \$100.00 smcs; Northern Safety

\$821.30 smcs; Northern Tool \$559.39 smcs; Northwest Electric \$1,710.40 smcs; Northwestern Energy \$13,811.80 smcs; OCLC \$736.83 smcs; Office Max \$938.49 smcs; Officenet \$319.77 smcs; Olsson Associates \$6,500.00 co; O'Neill Wood \$25,460.00 smcs; O'Reilly Auto \$1,692.18 smcs; Orscheln \$1,681.28 smcs; Otto Environmental \$25,242.50 smcs; Paramount \$427.97 smcs; Partmaster \$691.71 smcs; Party America \$26.58 smcs; Paulsen \$145,361.17 co; Penguin Random House \$403.50 smcs; PEP Co. \$87.34 smcs; Perkins \$191.61 smcs; Phillips 66 \$24.92 smcs; Photo Card Specialties \$49.79 smcs; Platinum Awards \$133.62 smcs; Platte Valley Comm \$1,069.15 smcs,co;Postage Refill \$1,000.00 smcs; Pot O' Gold \$230.00 smcs; Presto-X \$249.00 smcs; Propay \$299.00 smcs; Pro-Tint \$260.00 smcs; Public Risk Mgmt. \$385.00 smcs; Pulse Technology \$369.50 smcs; Quantum Saw \$226.56 smcs; Quill \$452.57 smcs; Recorded Books \$5,850.10 smcs; Recreonics \$232.15 smcs; Redman's Shoes \$113.69 smcs; Reinke's \$205.18 smcs; Remington Arms \$725.00 smcs; Rugged Depot \$1,140.00 co; Russell's Appliance \$138.00 smcs; Rylind Industries \$15,664.00 co; Sahling Kenworth \$411.83 smcs; Sanabria-Diaz,A \$26.39 smcs; Sandry Fire Supply \$157.15 smcs; Sanitation Products \$279.25 smcs; Schulz,D \$89.64 smcs; Sherwin Williams \$146.41 smcs; Silverstone \$4,860.00 smcs; Spot Lighting \$269.14 smcs; Star-Herald \$238.08 smcs; State Electrical Division \$253.00 smcs; Strategic Materials \$456.32 smcs; Streakwave Wireless \$190.14 co; Street Crimes \$399.00 smcs; Sunrise Middle School \$300.00 smcs; Superior \$1,610.20 smcs; Supplyhouse.com \$956.48 smcs; Supplyworks \$1,404.89 smcs; Target \$114.14 smcs; Tractor-Supply \$664.11 smcs; Travel Guard Group \$24.12 smcs; Travelocity \$1,000.70 smcs; Turner Body Shop \$100.00 smcs; Union Bank & Trust \$80,097.47 ps; Unique Mgmt. \$304.30 smcs; United \$371.10 smcs; UNL Agronomy \$400.00 smcs; UPS \$31.69 smcs; US Bank \$6,621.27 co; USA Communications \$154.95 smcs; USPS \$293.25 smcs; Valley Forklift \$20.60 smcs; Van Diest \$5,050.20 smcs; Van Wall \$88.05 smcs; Varidesk \$960.30 co; Verizon \$7,458.14 smcs; Vern Waskom \$956.93 smcs; Vessco \$422.87 smcs; Vinylguard Golf \$112.81 smcs; Volaire \$8,781.51 smcs; Vollmer,M \$30.00 smcs; VVS Canteen \$71.20 smcs; W.T. Cox \$11,687.17 smcs; Waldinger Corp \$464.97 smcs; Wal-Mart \$1,537.18 smcs; Walters-Morgan \$24,951.35 co; Wilco Life Insurance \$10.00 ps; Winter Equipment \$1,270.71 smcs; WPCI \$342.00 ps; WPSG \$377.89 smcs; Payroll Ending 02/16/2019 -- \$451,642.83. 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 March 12, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2019-44 repealing Resolution No. 2018-144 and approving the Agreement to Exchange Real Property with the Economic Development Council of Buffalo County.

#### **RESOLUTION NO. 2019-44**

WHEREAS, on August 28, 2018, City Council passed Resolution No. 2018-144 approving the Agreement to Transfer Real Property between the City of Kearney and the Economic Development Council of Buffalo County; and

WHEREAS, the agreement authorized the City of Kearney to transfer 7.25 acres which consisted of Lots 1, 2, 13 and 14, Block 1, Patriot Industrial Park, an addition to

the City of Kearney, Buffalo County, Nebraska to the Economic Development Council of Buffalo County; and

WHEREAS, upon further evaluation by the City of Kearney and the Economic Development Council of Buffalo County, it was determined that other lots in Patriot Industrial Park would be better suited for potential development and that Resolution No. 2018-144 be repealed.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Resolution No. 2018-144 be and is hereby repealed in its entirety as of February 26, 2019.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

5. Adopt Resolution No. 2019-45 repealing Resolution No. 2018-145 and approving the Memorandum of Understanding with the Economic Development Council of Buffalo County for a proposed project at Patriot Industrial Park located east of Cherry Avenue and the Kearney East Expressway and west of Airport Road.

**RESOLUTION NO. 2019-45**

WHEREAS, on August 28, 2018, City Council passed Resolution No. 2018-145 approving the Memorandum of Understanding between the City of Kearney and the Economic Development Council of Buffalo County; and

WHEREAS, the agreement set forth the requirements of all parties for the construction of buildings at Patriot Industrial Park; and

WHEREAS, upon further evaluation by the City of Kearney and the Economic Development Council of Buffalo County, it was determined that a new Memorandum of Understanding was needed as the location of the transferred lots from the City of Kearney to the Economic Development Council of Buffalo County has since changed and that Resolution No. 2018-145 be repealed.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Resolution No. 2018-145 be and is hereby repealed in its entirety as of February 26, 2019.

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2019-46 approving the Agreement to Exchange Real Property and Memorandum of Understanding with the Economic Development Council of Buffalo County for a proposed project at Patriot Industrial Park located east of Cherry Avenue and the Kearney East Expressway and west of Airport Road.

**RESOLUTION NO. 2019-46**

WHEREAS, the City of Kearney owns a 59.76-acre parcel of land known as Patriot Industrial Park located east of Cherry Avenue and the Kearney East Expressway and west of Airport Road; and

WHEREAS, the Economic Development Council of Buffalo County sees a need for available lots in this area for manufacturing and related companies; and

WHEREAS, the Economic Development Council of Buffalo County has expressed interest in acquiring 3.04 acres which consists of portions of Lots 7 and 8 of Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, from the City of Kearney; and

WHEREAS, the City of Kearney and the Economic Development Council of Buffalo County want to enter into a Memorandum of Understanding setting for the requirements of all parties for the construction of buildings at Patriot Industrial Park.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement to Transfer Real Property, a copy marked as Exhibit A is attached hereto and made a part hereof by reference, be and is hereby approved.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Memorandum of Understanding, a copy marked as Exhibit B is attached hereto and made a part hereof by reference, be and is hereby approved.

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

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

- 7. Approve the Special Event Permit Applications to conduct the following:
  - a) Shamrock Shuffle to temporarily close portions of 6th Avenue, West 46th Street, 10th Street, West 45th Street, 11th Avenue, 17th Avenue, 19th Avenue, West 48th Street, 4th Avenue, West 42nd Street, 7th Avenue, and Country Club Lane on Saturday, March 16, 2019; and
  - b) Highway Creepers Rock N Rods Car Show to use Central Avenue from south of South Railroad Street to 17th Street and 19th Street from 1st Avenue to Central Avenue on Saturday, April 20, 2019.

- 8. Approve the Corrective Warranty Deed filed by John McSweeney and Janice Wiebusch for a defect in approval of conveyance subdividing real estate and adopt Resolution No. 2019-47.

**RESOLUTION NO. 2019-47**

WHEREAS, the City of Kearney, Nebraska, has been notified in writing by John P. McSweeney and Janice M. Wiebusch (hereinafter collectively referred to as "Owners") that they claim an interest in the conveyance of real estate arising under and by virtue of the "CORRECTIVE WARRANTY DEED" recorded in the office of the Register of Deeds

of Buffalo County, Nebraska, on February 6, 2019, and appearing of record in said office as Inst. 2019-00620 (such deed being hereinafter referred to as the "Deed"); and

WHEREAS, the City of Kearney, Nebraska, has subdivision approval jurisdiction over the real estate constituting the subject matter of the Deed; and

WHEREAS, the conveyance arising under and by virtue of the Deed subdivides, or purports to subdivide, real estate; and

WHEREAS, the conveyance arising under and by virtue of the Deed, and the recording of the Deed, failed to comply with the requirements of the City of Kearney, Nebraska, relating to subdivision approval; and

WHEREAS, Neb. Rev. Stat. Section 76-2,110(2) (Reissue 2018) provides, in pertinent part:

If any conveyance, in any manner purporting to subdivide real estate, has been or is hereafter recorded in the office of the register of deeds of the county in which the real estate is situated and the conveyance or the recording of the conveyance has failed to comply with any requirement relating to subdivision approval, any party claiming an interest in such conveyance may file an affidavit with the register of deeds asserting that written notice of the defect in approval has been received by the governmental authority having subdivision approval jurisdiction over such real estate. Upon filing such affidavit, such governmental authority shall have one hundred twenty days from the receipt of such written notice to record an objection in the office of the register of deeds in the county in which the real estate is situated, or such conveyance shall be fully valid. If an objection is filed, the conveyance shall not be validated. The governmental authority may waive, prospectively waive, or retroactively waive such one-hundred twenty-day period, as to a single subdivision; and

WHEREAS, Owners, on February 11, 2019, caused to be filed in the office of the Register of Deeds of Buffalo County, Nebraska, an affidavit of John P. McSweeney asserting that written notice of the defect in subdivision approval has been received by the City of Kearney, Nebraska, such affidavit appearing of record in said office as Inst. 2019-00687; and

WHEREAS, the City of Kearney, Nebraska, has one hundred twenty days from February 11, 2019, within which to record an objection to the conveyance arising under and by virtue of the Deed and the recording thereof; and

WHEREAS, the City of Kearney, Nebraska, may, under Neb. Rev. Stat. Section 76-2,110(2) (Reissue 2018), waive, prospectively waive, or retroactively waive such one hundred twenty day period as to a single subdivision.

NOW, THEREFORE, BE IT RESOLVED, by the City of Kearney, Nebraska, that the one hundred twenty day period provided for in Neb. Rev. Stat. Section 76-2,110(2) (Reissue 2018) is hereby waived with respect to the Deed and the recording thereof, the effect of this resolution being that the conveyance arising under and by virtue of the Deed and recording thereof is hereby validated

PASSED AND APPROVED THIS 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Approve the purchase of a Caterpillar 304E2 Series Mini Excavator in the amount of \$63,690.00 submitted by Nebraska Machinery under the Sourcewell Cooperative Purchasing program to be used in the Public Works Department.
10. Approve the Plans and Specifications for the 2019 Asphalt Improvements for 29th Street, from 2nd Avenue to 6th Avenue and 9th Avenue, from 25th Street to 29th Street and set the bid opening date for March 26, 2019 at 2:00 p.m.
11. Approve the Plans and Specifications for the 2019 Part 2 Improvements for construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998 and set the bid opening date for March 26, 2019 at 2:00 p.m.
12. Accept the bids received for the 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997 and adopt Resolution No. 2019-48 awarding the bid to Dan Roeder Concrete in the amount of \$807,529.50.

**RESOLUTION NO. 2019-48**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on February 19, 2019 at 2:00 p.m. for the 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$943,456.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$807,529.50 be accepted as the lowest responsible bid for 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997.

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 Dan Roeder Concrete be and is the lowest responsible bidder for the 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997 to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$807,529.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$943,456.00 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 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**13.** Accept the bids received for the Harvey Park Pickleball Court Project and adopt Resolution No. 2019-49 awarding the bid to Hellas Construction, Inc. in the amount of \$198,489.00.

**RESOLUTION NO. 2019-49**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on February 19, 2019 at 2:00 p.m. for the Harvey Park Pickleball Court Project; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$198,658.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Hellas Construction, Inc. of Austin, Texas in the amount of \$198,489.00 be accepted as the lowest responsible bid for Harvey Park Pickleball Court Project.

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 Hellas Construction, Inc. be and is the lowest responsible bidder for the Harvey Park Pickleball Court Project to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Hellas Construction, Inc. in the amount of \$198,489.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$198,658.00 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 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**14.** Accept the bids received for the 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527 and adopt Resolution No. 2019-50 awarding the bid to Blessing Construction, LLC in the amount of \$628,941.60.

**RESOLUTION NO. 2019-50**

WHEREAS, Brungardt Engineering, LLC and the City of Kearney have reviewed the sealed bids which were opened on February 19, 2019 at 2:00 p.m. for the 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer

Improvement District Nos. 2018-525, 2018-526, 2018-527; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$630,526.05; and

WHEREAS, Brungardt Engineering, LLC and the City have recommended the bid offered by Blessing Construction, LLC of Kearney, Nebraska in the amount of \$628,941.60 be accepted as the lowest responsible bid for 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527.

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 Blessing Construction, LLC be and is the lowest responsible bidder for the 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Avenue and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527 to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction, LLC in the amount of \$628,941.60 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$630,526.05 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 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**15.** Accept the bids received for the purchase of a 3/4-Ton 4x4 Extended Crew Cab Pick-Up used in the Solid Waste Division of the Utilities Department and award the bid to Midway Chevrolet in the amount of \$30,849.00.

**16.** Approve the application submitted by Rick Shoemaker, owner of Huss Livestock Market, to extend Conditional Use Permit No. 2006-03 to stockpile snow and manure at 1202 West 19th Street for a period of one year.

**17.** Approve the application submitted by Rick Shoemaker, owner of Huss Livestock Market, to extend Conditional Use Permit No. 1978-01 to locate a manufactured home for security purposes located at 1202 West 19th Street for a period of one year.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8327 CONVEYING PART OF LOTS 7 AND 8 AND VACATED 30 FOOT ALLEY, BLOCK 1, PATRIOT INDUSTRIAL PARK**

Council Member Buschkoetter introduced Ordinance No. 8327 authorizing and directing the transfer and conveyance for a tract of land being part of Lot 7, part of Lot 8, and part of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska to the Economic Development Council of Buffalo County, Inc, 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. 8327. 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, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8327 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, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8327 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8327 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **ORDINANCE NO. 8328 AMENDING CHAPTER 6 OF CITY CODE**

Ordinance No. 8328 amends several sections under Article 1 "General Provisions" of Chapter 6 "Library" of the City Code including Section 6-101 "Library; Established; How Designated" to remove incorrect building name; Section 6-102 "Library; Definitions" to add and amend definitions; Section 6-110 "Library; Damages, Etc., to Library Property" to remove video tapes and replace with DVD and CD; and Section 6-111 "Library; Nondiscrimination" to add sexual orientation.

However, at the request of City staff, Ordinance No. 8328 has been requested to be withdrawn due to further examination needed on this chapter of City Code. Therefore, a motion to withdraw Ordinance No. 8328 is needed.

Moved by Nikkila seconded by Moore to withdraw Ordinance No. 8328 at the request of City staff. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**ORDINANCE NO. 8329 TO REPEAL SECTION 6-108 OF CHAPTER 6 "LIBRARY"**

Council Member Buschkoetter introduced Ordinance No. 8329 to repeal in its entirety Section 6-108 "Library; Circulating Libraries, Works of Art, Etc." of Article 1 "General Provisions" of Chapter 6 "Library" of the Code of the City of Kearney, 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. 8329. 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, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8329 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, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8329 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8329 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**VI. REGULAR AGENDA****REDEVELOPMENT PROJECT FOR BOWMAN AGRONOMICS, INC LOCATED SOUTHWEST OF PATRIOT BOULEVARD AND PIPER AVENUE**

Mayor Clouse opened for discussion the redevelopment project submitted by Bowman Agronomics, Inc. for Redevelopment Area #12 for an area described as a tract of land being part of Lot 7, part of Lot 8, and part of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (Southwest of Patriot Boulevard and Piper Avenue) and consider Resolution No. 2019-51.

Finance Director, Wendell Wessels presented this matter to the Council. Bowman Agronomics Inc. is considering the construction of a new 16,140 square foot steel frame warehouse type building along with approximately 11,500 square feet of commercial concrete. The building will be fully insulated with approximately 1,140 square feet of office space and will include brick façade on the office section of the building. The existing hopper bins will be relocated from 1850 Avenue H to the new site. The project is located southwest of Patriot Boulevard and Piper Avenue. The new valuation upon completion is estimated at \$1,055,000. The current value is zero as the City currently owns the property. The increment and evaluation is estimated to be \$1,055,000. The annual increment in real estate taxes upon completion of the project are estimated at

\$19,122. The Developer is asking for project costs of \$250,000 from TIF; \$75,000 for earth work, \$10,000 for landscaping, irrigation, trees and shrubs, \$70,000 for crushed concrete site work, \$70,000 for concrete paving, \$10,000 for paving sub and \$15,000 for plumbing. On February 11, 2019 the CRA granted 100% of the annual increment of real estate taxes not to exceed the lesser of \$330,693 which would be divided as \$250,000 for the developer and \$80,693 for the City to help fund Patriot Park Boulevard. Staff recommends approval of the project and grant 100% of the annual increment of the real estate taxes not to exceed the lesser of \$330,693 or the certified eligible project costs over a period of 15 years.

Moved by Moore seconded by Lear finding that the redevelopment project set forth in the application submitted by Bowman Agronomics, 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 moves that \$80,693 be granted to the City for the construction of Patriot Boulevard and that \$250,000 be granted to Bowman Agronomics, Inc. for eligible project costs on a pro-rata calculation based on final eligible project costs; and further move that the redevelopment project be granted 100 percent of the annual increment in real estate taxes, not to exceed the lessor of \$330,693, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2019 and to adopt Resolution No. 2019-51 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Bowman Agronomics, Inc. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2019-51**

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 #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, as legally a tract of land being part of Lot 7, part of Lot 8, and part of vacated 30.00 foot alley, 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 Northeast corner of Lot 7, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the East line of said Lot 7 as bearing S 07°46'21" W and all bearings contained herein are relative thereto; thence S 07°46'21" W on said East line of Lot 7 and the East line of Lot 8 of said Block 1 a distance of 454.25 feet to a 5/8" rebar w/cap at the Southeast corner of said Lot 8; thence S 89°54'55" W on the South line of said Lot 8 a distance of 251.82 feet to a 5/8" rebar w/cap; thence N 00°13'02" E parallel with and 60.00 feet Easterly, as measured at Right angles, of the West line of said Lot 7 and Lot 8 a distance of 490.09 feet to a 5/8" rebar w/cap on the North line of said Lot 7; thence Easterly on the North line of Lot 7 and on a non-tangent curve to the Right, having a central angle of 01°51'01", a radius of 1967.00 feet, and arc length of 63.52 feet, and a chord bearing of S 83°29'00" E a distance of 63.52 feet to a 5/8" rebar w/cap; thence S 82°33'30" E on said North line of Lot 7 a distance of 247.80 feet to the Point of Beginning, containing 3.04 acres, more or less, all in Buffalo County, Nebraska (Parcel ID 620143575 and 620143580); and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land being part of Lot 7, part of Lot 8, and part of vacated 30.00 foot alley, 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 Northeast corner of Lot 7, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the East line of said Lot 7 as bearing S 07°46'21" W and all bearings contained herein are relative thereto; thence S 07°46'21" W on said East line of Lot 7 and the East line of Lot 8 of said Block 1 a distance of 454.25 feet to a 5/8" rebar w/cap at the Southeast corner of said Lot 8; thence S 89°54'55" W on the South line of said Lot 8 a distance of 251.82 feet to a 5/8" rebar w/cap; thence N 00°13'02" E parallel with and 60.00 feet Easterly, as measured at Right angles, of the West line of said Lot 7 and Lot 8 a distance of 490.09 feet to a 5/8" rebar w/cap on the North line of said Lot 7; thence Easterly on the North line of Lot 7 and on a non-tangent curve to the Right, having a central angle of 01°51'01", a radius of 1967.00 feet, and arc length of 63.52 feet, and a chord bearing of S 83°29'00" E a distance of 63.52 feet to a 5/8" rebar w/cap; thence S 82°33'30" E on said North line of

Lot 7 a distance of 247.80 feet to the Point of Beginning, containing 3.04 acres, more or less, all in Buffalo County, Nebraska (Parcel ID 620143575 and 620143580); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land being part of Lot 7, part of Lot 8, and part of vacated 30.00 foot alley, 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 Northeast corner of Lot 7, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the East line of said Lot 7 as bearing S 07°46'21" W and all bearings contained herein are relative thereto; thence S 07°46'21" W on said East line of Lot 7 and the East line of Lot 8 of said Block 1 a distance of 454.25 feet to a 5/8" rebar w/cap at the Southeast corner of said Lot 8; thence S 89°54'55" W on the South line of said Lot 8 a distance of 251.82 feet to a 5/8" rebar w/cap; thence N 00°13'02" E parallel with and 60.00 feet Easterly, as measured at Right angles, of the West line of said Lot 7 and Lot 8 a distance of 490.09 feet to a 5/8" rebar w/cap on the North line of said Lot 7; thence Easterly on the North line of Lot 7 and on a non-tangent curve to the Right, having a central angle of 01°51'01", a radius of 1967.00 feet, and arc length of 63.52 feet, and a chord bearing of S 83°29'00" E a distance of 63.52 feet to a 5/8" rebar w/cap; thence S 82°33'30" E on said North line of Lot 7 a distance of 247.80 feet to the Point of Beginning, containing 3.04 acres, more or less, all in Buffalo County, Nebraska (Parcel ID 620143575 and 620143580); 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 26TH DAY OF FEBRUARY, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **THE ARCHWAY ANNUAL REPORT**

Mayor Clouse opened for discussion The Archway's annual report.

Assistant City Manager, Eric Hellriegel presented this matter to the Council. Attendance was down some from 2017 to 53,000. In 2017, the eclipse was a large tourism draw. Revenue is very comparable and has stayed consistent. The Archway saw 14% more sales in the gift shop and the addition of a mining sleuth's exhibit helped increase the per capita of everyone coming through the door. 44% of visitors used the East Bypass Exit to access The Archway, while 28% of visitors stayed overnight in Kearney. The exhibit continues to be family friendly as 44% of the groups visiting had a member 18 years or younger in them. Guests rated the experience 4.5 out of 5 and 97% of guests stated they would recommend a visit to The Archway to a friend. Some of the higher ratings are due to the audio/visual improvements to the show. The Archway has reduced their electrical utility costs by 15% compared to 2017. There have been 46 private and public events hosted at The Archway in 2018 with 4,316 in attendance for these events. Some things ahead for The Archway include an exterior log restoration, new events including day camps for kids through Kearney Public Schools and through partnerships with Cabela's and Nebraska Extension. In addition, there will be continued audio/visual improvements to the shows.

Council Member Buschkoetter questioned if the 15% savings in electricity was due to changing the lighting to LED lights? Assistant City Manager stated that mostly all of the lighting has been switched over to LED and staff has begun looking at the mechanical system. Staff have made an effort to replace parts with parts containing the highest

efficiency ratings and continue to maintain the existing equipment to make sure everything is in good working order.

Council Member Moore questioned if The Archway had explored an interactive ancestry exhibit. Assistant City Manager stated staff could look into a project like that in the future as there are always ways to grow The Archway.

Moved by Lear seconded by Buschkoetter to approve The Archway's annual report. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

### **OPEN ACCOUNT CLAIM**

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$81,934.54 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

## **VII. REPORTS**

City Manager and Council Member Buschkoetter thanked City staff for all the snow removal over the past weeks and commented on the great job done by City staff.

Mayor Clouse thanked CountryHouse Residence of Kearney for the snacks provided to the Council. Several Council members also attended the League of Nebraska Municipalities meetings this week in Lincoln.

## **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:12 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**LAUREN BRANDT  
CITY CLERK**