

*Kearney, Nebraska
January 14, 2020
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 January 14, 2020 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; Bryan Waugh, Chief of Police; Jason Whalen, Fire Administrator; and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz with the Kearney HUB and Ryan Boyd with KGFW. Several members of the Kearney Police Department were also present.

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.

PRESENTATION OF COLORS BY THE KEARNEY POLICE DEPARTMENT HONOR GUARD AND PLEDGE OF ALLEGIANCE

Members of Kearney Police Department Honor Guard including Lieutenant Dennis Byrne, Sergeant Greg Benson, and Officers Brad Butler, Nathan Dennis and Tracy Suchsland presented and posted the colors and then 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/RECOGNITION

Presentation of Commendation Award to Police Sergeant Jared Small and Police Officer Jon Alstrom. Chief Bryan Waugh described the incident that occurred on October 21, 2019 in which Police Sergeant Jared Small and Police Officer Jon Alstrom were

nominated for the award. Chief Waugh explained the award is presented to Officers and non-sworn members who perform above and beyond the call of duty for their actions that were performed in a heroic and exemplary fashion that reduces the risk of or loss of life.

City Clerk administered the oath of office to the newest members of the Kearney Police Department; Police Officers Benjamin Dostal and Eric Elder.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONDITIONAL USE PERMIT FOR PROPERTY LOCATED SOUTH OF 11TH STREET AND EAST OF IMPERIAL AVENUE

Moved by Nikkila seconded by Moore to remove Public Hearing 1 from the table. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear Abstain. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Brad Vontz for Vontz Paving, Inc. for Water's View Inc., a Nebraska Corporation for a Conditional Use Permit to operate a sand and gravel extraction pit on property zoned District AG, Agricultural District and described as part of Government Lots 3 and 4, as part of the Northwest Quarter of Section 11, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street and East of Imperial Avenue) and consider Ordinance No. 8390.

Sean Vontz and Jay Vontz with Vontz Paving presented this matter to the Council. Sean and Jay Vontz explained what a berm is, where their berm will be placed, where their gravel pit will start, showed where there are existing gravel pits along the Interstate 80 and Kearney to address the issue of blowing sand that was discussed previously at the December 10, 2019 Council meeting and finally discuss ground water levels and if gravel pits affect it, which was also a concern brought up at the prior meeting held on December 10, 2019.

Council Member Jonathan Nikkila stated he spoke with people from NRD and they gave similar feedback as presented by the Vontz's regarding no effect on ground water levels with respect to gravel pits.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Brad Vontz for Vontz Paving, Inc. for Water's View Inc., a Nebraska Corporation for a Conditional Use Permit to operate a sand and gravel extraction pit on property zoned District AG, Agricultural District and described as part of Government Lots 3 and 4, as part of the Northwest Quarter of Section 11, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street and East of Imperial Avenue) and introduced Ordinance No. 8390 and moved that the statutory rules requiring ordinances

to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8390. 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, Nikkila, Moore, Buschkoetter. Nay: None. Lear abstained. 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. 8390 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear abstained. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8390 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear abstained. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8390 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.

DEVELOPMENT PLANS FOR 6110 2ND AVENUE

Mayor Clouse opened the public hearing on the Application submitted by James Poulson for Lanny Carlson, c/o Lanny Carlson Motors for Revised Planned District Development Plan Approval for the proposed construction of an outbuilding addition on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Block 1, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING HOWEVER, the West 140.0 feet of said lot (6110 2nd Avenue) and consider Resolution No. 2020-1.

James Poulson presented this matter to the Council. Mr. Poulson described where the property is located and what is surrounding it. The 40 x 70 pre-engineered metal building addition will be located to the west of the existing building. On-site detention for rainwater will be provided and landscaping will be updated within the guidelines provided by the City.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2020-1 approving the Application submitted by James Poulson for Lanny Carlson, c/o Lanny Carlson Motors for Revised Planned District Development Plan Approval for the proposed construction of an outbuilding addition on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Block 1, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING HOWEVER, the West 140.0 feet of said lot (6110 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion

carried.

RESOLUTION NO. 2020-1

WHEREAS, James Poulson for Lanny Carlson, c/o Lanny Carlson Motors has applied for Revised Planned District Development Plan Approval for the proposed construction of an outbuilding addition on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Block 1, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING HOWEVER, the West 140.0 feet thereof; AND FURTHER EXCEPTING HOWEVER, that portion of Lot 1 deeded to the State of Nebraska as filed in Inst. 1999-2810 in the Buffalo County Register of Deeds Office with said portion being more particularly described as follows: Beginning at the Southeast Corner of Lot 1; thence northerly along the East line of said Lot 1 a distance of 200.0 feet to the North line of said Lot 1; thence westerly deflecting 90°06'00" left along the North line of said Lot 1 a distance of 56.01 feet; thence southerly deflecting 89°55'15" left a distance of 200.0 feet to the South line of said Lot 1; thence easterly deflecting 90°04'45" left a distance of 55.94 feet to the place of beginning, all in Buffalo County, Nebraska (6110 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of James Poulson for Lanny Carlson, c/o Lanny Carlson Motors for Revised Planned District Development Plan Approval for the proposed construction of an outbuilding addition on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Block 1, North Acre Sixth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING HOWEVER, the West 140.0 feet thereof; AND FURTHER EXCEPTING HOWEVER, that portion of Lot 1 deeded to the State of Nebraska as filed in Inst. 1999-2810 in the Buffalo County Register of Deeds Office with said portion being more particularly described as follows: Beginning at the Southeast Corner of Lot 1; thence northerly along the East line of said Lot 1 a distance of 200.0 feet to the North line of said Lot 1; thence westerly deflecting 90°06'00" left along the North line of said Lot 1 a distance of 56.01 feet; thence southerly deflecting 89°55'15" left a distance of 200.0 feet to the South line of said Lot 1; thence easterly deflecting 90°04'45" left a distance of 55.94 feet to the place of beginning, all in Buffalo County, Nebraska (6110 2nd Avenue) be approved.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

DEVELOPMENT PLANS FOR 5810 2ND AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Paul Brungardt Jr., PE for RP & MM Properties, LLC for Revised Planned District Development Plan Approval for the proposed construction of an outbuilding addition on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the North 125.00 feet of Lot 6, Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (5810 2nd Avenue) and consider Resolution No. 2020-2.

Paul Brungardt with Brungardt Engineering presented this matter to the Council. Mr. Brungardt stated the property owners are requesting to add a 40 x 60 outbuilding to the backside of their building. Mr. Brungardt described where the property is located and what is surrounding it. The property owners are requesting the option to add bathrooms and an office to the outbuilding. Mr. Brungardt explained how the building would be tied into City services. A new detention cell will be created. The building will be a slab on grade, steel frame building.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2020-2 approving the Application submitted by Paul Brungardt Jr., PE for RP & MM Properties, LLC for Revised Planned District Development Plan Approval for the proposed construction of an outbuilding addition on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the North 125.00 feet of Lot 6, Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (5810 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2020-2

WHEREAS, Paul Brungardt Jr., PE for RP & MM Properties, LLC has applied for Revised Planned District Development Plan Approval for the proposed construction of an outbuilding addition on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the North 125.00 feet of Lot 6, Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING THEREFROM all that part of the North 125.00 feet of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the Office of the Buffalo County Register of Deeds (5810 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Paul Brungardt Jr., PE for RP & MM Properties, LLC for Revised Planned District Development Plan Approval for the proposed construction of an outbuilding addition on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as the North 125.00 feet of Lot 6, Block 2, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING THEREFROM all that part of the North 125.00 feet of said Lot 6 conveyed to the State of Nebraska for highway right-of-way purposes described on the Return of Appraisers filed at Instrument 1999-5114, recorded on June 24, 1999 in the Office of the Buffalo County Register of Deeds (5810 2nd Avenue) be approved.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

CONDITIONAL USE PERMIT FOR MOUNTAIN TOWER AND LAND, LLC FOR 3821 2ND AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Miller and Associates for Mountain Tower and Land, LLC, a Colorado Limited Liability Company for a Conditional Use Permit to operate retail cellular phone store with a telecommunications tower on property zoned District C-2, Community Commercial District and described Lots 19 and 20, and the North 110 feet of Lots 15, 16, 17, 18, Baker's Subdivision to the City of Kearney, Buffalo County, Nebraska (3821 2nd Avenue) and consider Ordinance No. 8259A.

Craig Bennett with Miller and Associates presented this matter to the Council. Mr. Bennett stated this item was before the Board previously; Viaero is currently requesting to move the communication tower 47 feet northwest of where it currently is located; it will remain screened by the building as it will be 11 feet from the building but still behind it.

Council Member Bruce Lear questioned if the location change would change the elevation of the tower? Mr. Bennett stated the elevation would basically stay the same as the tower's current location.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Miller and Associates for Mountain Tower and Land, LLC, a Colorado Limited Liability Company for a Conditional Use Permit to operate retail cellular phone store with a telecommunications tower on property zoned District C-2, Community Commercial District and described Lots 19 and 20, and the North 110 feet of Lots 15, 16, 17, 18, Baker's Subdivision to the City of Kearney, Buffalo County, Nebraska (3821 2nd Avenue) and introduced Ordinance No. 8259A and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8259A. 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, Nikkila, Moore, Buschkoetter, Lear. 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. 8259A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8259A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8259A 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.

IV. CONSENT AGENDA

Moved by Moore seconded by Lear that Subsections 1 through 9 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held December 17, 2019.

2. Approve the following Claims:

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

Air Cleaning Technologies-\$465.00-smcs; Alvine & Associates-\$1,140.00-co; Amax Contracting-\$149.76-smcs; Amazon-\$2,710.34-smcs; American Electric-\$3,840.00-smcs; Ask Supply-\$1,171.60-smcs; Aurora Coop-\$130.80-smcs; Baker & Taylor-\$4,911.58-smcs; Bamford-\$1,175.00-smcs; Beisheim,S-\$660.00-smcs; Beyondtrust Company-\$3,337.93-smcs; Bicak,M-\$52.00-smcs; Blackstone-\$995.38-smcs; Blessing -\$543,549.60-co; BlueCross BlueShield-\$210,835.01-smcs; Books Galore-\$10,514.69-smcs; Bosselman-\$57,640.17-smcs; Bridgett Lavene Consult.-\$2,500.00-smcs; Broadfoot's-\$35.00-smcs; Buffalo Co Sheriff-\$175,175.00-smcs; Builders-\$571.93-smcs,co; Burnett,M-\$155.00-smcs; Butler,R-\$115.50-smcs; Callan,C-\$36.16-smcs; Cambridge Court-\$150.00-smcs; Carolina Software-\$650.00-co; Cash-Wa-\$794.64-smcs; Catterton,D-\$40.14-smcs; Center Point Publishing-\$75.96-smcs; Central States Wire-\$4,115.05-smcs; Chamberlin,B-\$180.00-smcs; Chesterman-\$116.00-smcs; Christensen,K-\$64.00-smcs; CIGNA-\$9,833.40-smcs; City of Ky-\$517,379.33-smcs, ps; Comm. Act. Part. Mid NE-\$1,328.00-smcs; Comm. Health Agencies-\$90.00-ps; Comm. Service Fund of NE-\$58.00-ps; Compasscom-\$225.00-smcs; Compute North-\$4,334.47-smcs; Core & Main-\$2,728.50-smcs; Cryotech Deicing-\$7,764.74-smcs; Cummins-\$370.64-smcs; D & M Security-\$70.50-smcs; Dawson Public Power-\$22,697.95-smcs; Dell Marketing-\$6,235.66-smcs,co; Department of Education-\$329.00-ps; Depository Trust-\$1,615,411.51-ds; Don's Hobby Gun-\$1,034.92-smcs; Dowhy Towing-\$800.00-smcs; Dugan Printing-\$875.29-smcs; Eakes-\$3,056.31-smcs,co; Ekwil-\$258.00-smcs; ESRI-\$6,900.00-smcs; Family Practice-\$485.00-ps; Fiddelke-\$2,160.00-smcs; Finley,L-\$71.82-smcs; Flaherty,T-\$36.00-smcs; Flinn Paving-\$4,474.80-smcs; Fort Bend-\$14,628.00-smcs; Frontier-\$7,297.35-smcs; Full Tilt Management-\$2,250.00-smcs; Gale-\$4,305.94-smcs; Gannon Travel -\$1,600.00-smcs; Gibson,T-\$52.00-smcs; Gillming,C-\$100.00-smcs; Glassmeyer,R-\$33.08-smcs; Goodner,D-\$100.00-smcs; Goodwin Tucker Group-\$467.14-smcs; Graczyk Lawn-\$897.05-smcs; Grey House Publishing-\$1,428.00-smcs; Hebb,D-\$31.00-smcs; HM Life Insurance -\$58,959.54-smcs; Hockemeier,A-\$31.00-smcs; Hockemeier,J-\$115.50-smcs; Hogg,G-\$110.00-smcs; ICMA -\$6,660.46-ps; Integrated Security-\$9,472.50-smcs; IRS-\$160,269.09-ps; Jack Lederman-\$106.08-smcs; Jack's Uniforms-\$533.99-smcs; JCB Delivery -\$55.00-smcs; JCI Industries-\$1,028.97-smcs; Johnson Controls-\$2,715.00-smcs; Ky Animal Shelter-\$10,000.00-smcs; Ky Storytelling -\$1,050.00-smcs; Ky Winlectric-\$77,620.00-co;

Kociemba,T-\$115.50-smcs; Konica Minolta-\$708.08-smcs; KVFD-\$85,500.00-ps; Leech,K-\$15.22-smcs; Lincoln Winwater-\$3,445.00-smcs; Lundy,M-\$100.00-smcs; Macqueen Equipment-\$11,043.35-co; Magic Cleaning-\$7,050.00-smcs; Matson,K-\$24.90-smcs; Matt Friend Truck Equipment-\$6,195.25-co; McDowell,J-\$100.00-smcs; MECC-\$79.03-smcs; Menards-\$370.77-smcs; Meredith,T-\$36.72-smcs; Mid-America Golf -\$11,800.00-co; Midlands Contracting-\$119,948.00-co; Midwest Connect-\$7,353.15-smcs; Milco Environmental-\$5,210.11-smcs; Miller & Associates-\$35,924.15-smcs, co; Mirror Image-\$189.40-smcs; Mohr, Trevor-\$115.50-smcs; Morgan,M-\$76.00-smcs; Morris Press-\$407.03-smcs; Morten,C-\$21.30-smcs; Municipal Code-\$114.00-smcs; NE Child Support Payment-\$2,287.35-ps; NE Dept of Revenue-\$99,439.93-smcs, ps; NE Dept of Veterans' Affairs-\$20,000.00-smcs; NE Dept. Environmental-\$16,549.98-smcs; NE Public Health -\$1,008.00-smcs; NE State Fire Marshal-\$480.00-smcs; NE Title Co.-\$60.00-smcs; Netmotion Wireless-\$6,342.13-smcs; New Deal Deicing-\$2,105.00-smcs; NLETC-\$300.00-smcs; Northwest Electric-\$7,586.78-smcs; Northwestern Energy-\$3,683.74-smcs; Nova-\$429.75-ps; Oak Creek Engineering-\$5,782.50-co; Olsson Associates-\$7,989.52-co; One Call Concepts-\$169.93-smcs; O'Neill Wood -\$17,750.00-smcs; O'Reilly Automotive-\$1,879.44-smcs; Paramount-\$290.92-smcs; Payflex Systems-\$548.25-smcs,ps; PCAN-\$50.00-smcs; Penworthy -\$357.54-smcs; Pep Co.-\$200.00-smcs; Pfeifer,D-\$43.78-smcs; Pierce,B-\$14.11-smcs; Platte Valley Comm.-\$47.85-smcs; Platte Valley Laboratories-\$62.50-smcs; Poppen,G-\$25.68-smcs; Presto-X-\$1,503.00-smcs; Prososki,K-\$52.00-smcs; Pueppka,S-\$5.94-smcs; Quick,E-\$18.64-smcs; Recorded Books-\$37.79-smcs; Reese,R-\$24.90-smcs; Reinke's-\$624.67-smcs; Republic Distributing-\$316.00-smcs; Rheome Tree-\$4,290.00-smcs; RMV Construction-\$87,239.83-co; Rodehorst,R-\$115.50-smcs; Rowe Welding-\$16,000.00-co; Rutt's Heating -\$200.00-smcs; S&B Heating-\$1,077.80-smcs; Sandry Fire Supply-\$1,274.00-smcs; Scarrow,C-\$95.00-smcs; School District #7-\$907.40-smcs; Schroer,J-\$110.00-smcs; Schwarz,G-\$100.00-smcs; See Clear Cleaning-\$3,350.00-smcs; Shredding Solutions-\$45.00-smcs; Sign Center-\$396.50-co; Sirsi Corp.-\$10,380.00-smcs; SOS Portable Toilets-\$220.00-smcs; Southern Glazier's -\$1,299.16-smcs; Strategic Materials-\$512.42-smcs; Stutsman-\$3,294.00-smcs; Sunset Law Enforcement-\$232.75-smcs; TCH Central-\$3,647.40-smcs; Titan Machinery-\$6,935.00-co; Tri-Cities Group-\$113.66-smcs; Turner Body-\$300.00-smcs; Tye & Rowling-\$14,165.20-smcs; Tyler Technologies-\$8,481.04-co; Union Bank & Trust-\$118,439.74-smcs, ps; United Way-\$418.42-ps; USA Blue Book-\$3,726.51-smcs; Verizon-\$7,317.88-smcs; Village Cleaners-\$294.06-smcs; Walsh, Christine-\$34.65-smcs; Weaver,N-\$115.50-smcs; Payroll Ending 12/21/2019 -- \$487,581.37; Payroll Ending 01/04/2020 -- \$503,611.49. 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. Accept the bids received for the 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street and adopt Resolution No. 2020-3 awarding the bid to Nielsen Contracting in the amount of \$321,345.50.

RESOLUTION NO. 2020-3

WHEREAS, Olsson and the City of Kearney have reviewed the sealed bids which were opened on December 17, 2019 at 2:00 p.m. for the 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was

\$380,766.00; and

WHEREAS, Olsson and the City have recommended the bid offered by Nielsen Contracting of Kearney, Nebraska in the amount of \$321,3445.50 be accepted as the lowest responsible bid for 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street.

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 Nielsen Contracting be and is the lowest responsible bidder for the 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Nielsen Contracting in the amount of \$321,345.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$380,766.00 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 14TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

4. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Tami James Moore and Chuck Ogle to serve on the Joint Airport Zoning Board.

5. Adopt Resolution No. 2020-4 approving the Annual Redevelopment Project Report as required by State Statute 18-2117.02.

RESOLUTION NO. 2020-4

WHEREAS, on March 21, 2018, Governor Ricketts signed LB 874 which took effect on July 19, 2018; and

WHEREAS, Section 18-2117.02 of LB 874 states that on or before May 1 of each year, each authority shall compile information regarding the approval and progress of redevelopment projects that are financed in whole or in part through the division of taxes as provided in section 18-2147 and report such information to the governing body of the city and to the governing body of each county, school district, community college area, educational service unit, and natural resources district whose property taxes are affected by such division of taxes; and

WHEREAS, The report is required to include the following information:

1. Total number of redevelopment projects within the city that have been financed in whole or in part through the division of taxes as provided in section 18-2147.
2. Total estimated project costs for such redevelopment projects.

3. A comparison between the initial projected valuation for property included in each such redevelopment project as described in the redevelopment contract and the assessed value of the property included in each such redevelopment project as of January 1 of the year of the report.

4. The number of such redevelopment projects for which financing has been paid in full during the previous calendar year and for which taxes are no longer being divided pursuant to section 18-2147.

5. The number of such redevelopment projects approved by the governing body in the previous calendar year.

6. Information specific to each such redevelopment project approved by the governing body in the previous calendar year, including the project area, project type, amount of financing approved, and total estimated project costs.

7. The percentage of the city that has been designated as blighted;

and

WHEREAS, on January 6, 2020, the Community Redevelopment Authority approved the 2020 annual report.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the 2020 Annual Report required by Section 18-2117.02 of LB 874 as set forth in the attached report, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby approved.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2020-5 approving the recommendation submitted by the Fire Chief to include the following as a member of the Kearney Volunteer Fire Department: Zachery Harris.

RESOLUTION NO. 2020-5

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded a name of an individual desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said person listed is fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as a member of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska

Revised Statutes, and that said member is fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that said volunteer firefighter named on Exhibit "A" is hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2020-6 authorizing the Mayor to sign the Annual Certification for the Volunteer Emergency Responders Incentive Act and certify the names of volunteers listed as those who have qualified for the Volunteer Emergency Responders Incentive Act.

RESOLUTION NO. 2020-6

WHEREAS, on November 28, 2017, City Council approved the Kearney Volunteer Fire Department to participate in the Volunteer Emergency Responders Incentive Act (LB886) which allows a \$250 tax credit for volunteer emergency responders who have attained a minimum of 50 out of 100 points for which points are awarded for participation in training, emergency response, meetings, and by holding elected or appointed positions;

WHEREAS, the Kearney Volunteer Fire Department has submitted documentation to the City Council for the approval and certification of those volunteers who have qualified and are listed as active volunteer firefighters for the Kearney Volunteer Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the names of volunteers listed on the Annual Certification for the Volunteer Emergency Responders Incentive Act are hereby certified. A copy of the said Certification, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2020-7 accepting and authorizing the Mayor to sign the Relinquishment Agreement for portions of Nebraska Highway 10 and Nebraska Highway 44 as part of the Kearney East Beltway Project from the State of Nebraska Department of Transportation.

RESOLUTION NO. 2020-7

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the "Notice of Offer to Relinquish Jurisdictional Control, Response to Offer, Petition of City, Waiver of Rights and Agreement of the Parties" between the City of Kearney and the State of Nebraska

Department of Transportation. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CK-122021 liquor license application and manager application for Sean Cromer submitted by REMORC, LLC dba S.A.M. Que and Catering located at 324 3rd Avenue.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8393 AMENDING ARTICLE 15 "PURCHASING" OF CHAPTER 1 "ADMINISTRATION"

Council Member Lear introduced Ordinance No. 8393 amending Section 1-1510 "Miscellaneous Expenditures" of Article 15 "Purchasing" of Chapter 1 "Administration" of the City Code to amend the cost of allowable expense from \$25.00 to \$50.00 for recognition dinners for elected and appointed officials, employees who are in good standing and have completed 10 years of services, or volunteers to be in accordance with Nebraska Revised Statute 13-2203, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8393. 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, Nikkila, Moore, Buschkoetter, Lear. 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. 8393 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8393 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8393 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. 8394 REPEALING ORDINANCE NO. 8379 AND ADOPTING SALARY ORDINANCE

Council Member Lear introduced Ordinance No. 8394 repealing Ordinance No. 8379 and amend the Salary Ordinance reflecting recommended classification changes, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8394. 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, Nikkila, Moore, Buschkoetter, Lear. 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. 8394 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8394 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8394 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 GRACZYK PROPERTIES, LLC FOR PROPERTY LOCATED NORTHWEST OF 11TH STREET AND 30TH AVENUE INTERSECTION

Mayor Clouse opened for discussion the redevelopment project submitted by Graczyk Properties, LLC for Redevelopment Area #10 for an area described as Lot 1, Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection) and approve Resolution No. 2020-8.

Wendell Wessels Director of Finance presented this matter to the Council. Graczyk Properties, LLC is considering the construction of a 21,800 square foot main building which will include office area, storage warehouse, a maintenance area and individual bays for the Curb-It operation, the Grindstone Hardscape operation and the Lawn Care divisions of the company. There will also be a 7,200 square foot building for bulk material storage. The buildings will be steel framed structures with weathered steel paneling and stone facades. The facility will have a weathered forest façade. The Project is located north of 11th Street and west of 30th Avenue.

The total new valuation of the property upon completion is estimated to be \$2,300,000; the current value of the property is \$279,875, therefore; the incremental valuation is

estimated to be \$2,020,125. Upon completion of the Project, an additional property tax of \$37,474 will be created. On January 6, 2020 the CRA moved the project be granted 90% of the annual increment in real estate taxes not to exceed the lesser of \$505,905 or the certified eligible Project Costs over a period of 15 years. The CRA further approved the total project cost totaling \$928,334.

After the Redeveloper and City have received the lessor of \$505,905 or the certified eligible Project Costs, the political subdivisions will receive 100% of the taxes generated from the valuation increment.

Staff recommends City Council approve the Project be granted 90% of the annual increment in real estate taxes, not to exceed the lessor of \$505,905 or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2020.

Moved by Nikkila seconded by Moore finding that the redevelopment project set forth in the application submitted by Graczyk Properties, 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, not to exceed the lessor of \$505,905, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2020 and to adopt Resolution No. 2020-8 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Graczyk Properties, LLC. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2020-8

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 #10 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 Lot 1, Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580029000); 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 1, Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580029000); 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 1, Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580029000); 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 14TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
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 \$1,567.55 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 Michael Morgan stated December's month of enplanements totaled 3,000; January is trending at 2,600. On February 12, 2020, Central Air Service Proposals are due to the Department of Transportation.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:07 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

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

LAUREN BRANDT
CITY CLERK