

*Kearney, Nebraska  
July 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 July 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, and Tami James Moore. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Jason Koettters, Police Lieutenant; and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz, Kearney Hub and Ryan Boyd, 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**

Council held a moment of silence.

### **PLEDGE OF ALLEGIANCE**

Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **VACATE AND REZONE PROPERTY LOCATED AT 2100 EAST 34TH STREET**

Moved by Moore seconded by Lear to remove Public Hearings 1, 2 and 3 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the applications submitted by William Diessner for B & G Investments, LLC, to (1) vacate all of Lot 1, Lot 2, Lot 3, the east 20 feet of Lot 4, the east 20 feet of Lot 9, all of Lot 10, Lot 11, Lot 12, Block 124, Second East Lawn Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and being located in part of the Southwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8420 and (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in the Southwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M. in the City of Kearney, Buffalo County, Nebraska (2100 East 34th Street) and consider Ordinance No. 8421.

Dave Post, with Olsson presented this matter to the Council. Mr. Post stated the property owner plans to remove all existing structures and some trees from the property and build duplexes and triplexes. The property owner has spoke with the majority of owners surrounding the property and has not received any objections to the project. The existing lots will be vacated and replatted into a two-lot subdivision.

Mr. Post described the required easements and property layout, including drainage plans. Each living unit on the property will have their own water and sewer services. At the request of City Staff, the property owner has removed some of the living units included in the initial plan to create more parking for the development. Each unit will be one story, have an attached garage and will have 35% brick/block/stone for the street facing facades.

Council Member Randy Buschkoetter stated he has noticed a lot of improvements in this neighborhood and feels this project will fit in well.

John Haubold, 2110 East 34th Street, stated approximately six inches of his paved driveway is located on the property being discussed this evening and questioned what will happen to his driveway and if a fence will be installed? Mr. Post stated he will work with the property owner and Mr. Haubold to come up with a solution to this issue.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by William Diessner for B & G Investments, LLC and introduced Ordinance No. 8420 vacating all of Lot 1, Lot 2, Lot 3, the east 20 feet of Lot 4, the east 20 feet of Lot 9, all of Lot 10, Lot 11,

Lot 12, Block 124, Second East Lawn Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and being located in part of the Southwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and Ordinance No. 8421 rezoning from District R-1, Urban Residential Single-Family District (Low Density) to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in the Southwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M. in the City of Kearney, Buffalo County, Nebraska (2100 East 34th Street) 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 Nos. 8420 and 8421. President of the Council asked for discussion or if anyone in the audience was interested in the Ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8420 and 8421 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinances were read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance Nos. 8420 and 8421 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8420 and 8421 are 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.

### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR WILLIAM ESTATES**

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by William Diessner for B & G Investments, LLC, for the Final Plat and Subdivision Agreement for William Estates, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in the Southwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., in the City of Kearney, Buffalo County, Nebraska (2100 East 34th Street) and consider Resolution No. 2020-85.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Moore to close the hearing and adopt Resolution No. 2020-85 approving the application submitted by William Diessner for B & G Investments, LLC, for the Final Plat and Subdivision Agreement for William Estates, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located

in the Southwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., in the City of Kearney, Buffalo County, Nebraska (2100 East 34th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Moore. Nay: None. Nikkila absent. Motion carried.

### **RESOLUTION NO. 2020-85**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of William Estates, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land located in the Southwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M. in the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: Beginning at the Southwest corner of the Lot 1, Block 1, Millennial Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°24'41" W on the North line of 34th Street in the said City of Kearney, 230.00 feet to a point 30.0 feet East of the Southwest corner of Lot 9, Block 124 of Second East Lawn Addition, an addition in the City of Kearney; thence N 00°35'57" E, 30.0 feet East of and parallel with the West lines of Lot 9 and Lot 4 of Block 124 of said Second East Lawn Addition, 319.90 feet to a point being on the South line of Lot 12, Block 1, said Millennial Estates Addition; thence S 89°24'32" E on the South line of Lots 8, 9, 10, 11, and Lot 12 of said Block 1, Millennial Estates Addition, 230.05 feet to the Southeast corner of said Lot 8; thence S 00°36'31" W on the West line of Lots 1, 2, 3, 4, 5, and Lot 6 of said Block 1, 319.89 feet to the point of beginning; said tract contains a calculated area of 73,583 square ft or 1.69 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **DEVELOPMENT PLAN FOR 2100 EAST 34TH STREET**

Mayor Clouse opened the public hearing on the application submitted by William Diessner for B & G Investments, LLC, for Planned District Development Plan Approval for the

proposed construction of a multi-family development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a Lots 1 and 2, Block 1, William Estates, an addition to the City of Kearney, Buffalo County, Nebraska (2100 East 34th Street) and consider Resolution No. 2020-86.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2020-86 approving the application submitted by William Diessner for B & G Investments, LLC, for Planned District Development Plan Approval for the proposed construction of a multi-family development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a Lots 1 and 2, Block 1, William Estates, an addition to the City of Kearney, Buffalo County, Nebraska (2100 East 34th Street). Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

### **RESOLUTION NO. 2020-86**

WHEREAS, William Diessner for B & G Investments, LLC, have applied for Planned District Development Plan Approval for the construction of a multi-family development on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lots 1 and 2, Block 1, William Estates, an addition to the City of Kearney, Buffalo County, Nebraska (2100 East 34th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of William Diessner for B & G Investments, LLC, for Planned District Development Plan Approval for the construction of a multi-family development on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lots 1 and 2, Block 1, William Estates, an addition to the City of Kearney, Buffalo County, Nebraska (2100 East 34th Street) be approved.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **REZONE PROPERTY LOCATED AT 501, 503, 507 AND 511 EAST 26TH STREET**

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for Arram Equities, Inc., c/o Essam Arram, to rezone from District C-3/PD, General Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as Lot 131 thru Lot 136, inclusive, Keen's Park Addition to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH; the vacated South 20.0 feet of 26th Street abutting said lots on the North, all in Buffalo County, Nebraska (501, 503, 507 and 511 East 26th Street) and consider Ordinance No. 8427.

Mitch Humphrey with Buffalo Surveying Corp. presented this matter to the Council. Mr. Humphrey reviewed the history of the property through present day. The property owner

has a project forthcoming that does not require deviations; therefore, the property owner is requesting the property be rezoned to C-3 to match the rest of the block.

Council Member Bruce Lear questioned since the property is currently C-3/PD, why would the piece of property need to be rezoned? Mr. Humphrey stated they are requesting to drop the Planned Development from the current zoning designation.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the application submitted by Buffalo Surveying Corp. for Arram Equities, Inc., c/o Essam Arram and introduced Ordinance No. 8427 to rezone from District C-3/PD, General Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as Lot 131 thru Lot 136, inclusive, Keen's Park Addition to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH; the vacated South 20.0 feet of 26th Street abutting said lots on the North, all in Buffalo County, Nebraska (501, 503, 507 and 511 East 26th Street) 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. 8427. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8427 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8427 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8427 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 Clouse seconded by Moore that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Moore. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held June 23, 2020 and Minutes of Special Meeting held July 7, 2020.

2. Approve the following Claims:

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

Acushnet-\$2,505.01-smcs; All City Garage Door-\$1,721.60-smcs; All Makes Auto-\$2,684.02-smcs; Amazon-\$2,211.20-smcs; American Electric-\$3,650.00-co; Anderson Brothers-\$682.35-smcs; Arehart,E-\$25.00-smcs; Arrow Seed-\$256.00-smcs; Ask Supply-\$2,214.58-smcs; Asphalt & Concrete-\$4,667.10-smcs; Aurora Coop-\$102.68-smcs; AvFuel-\$5,100.00-smcs; Baker & Taylor-\$6,898.80-smcs; Bamford-\$225.00-smcs; Baye,S-\$14.82-smcs; Bells Construction-\$340.00-co; Bieber,S-\$85.00-smcs; Blackstone Audio Books-\$819.58-smcs; Blackstrap-\$10,575.15-smcs; Blessing-\$298,034.48-co; BlueCross BlueShield-\$190,832.54-smcs; Bosselman-\$46,024.89-smcs; Bridgett Lavene Consulting-\$3,000.00-smcs; Broadfoot's-\$2,888.00-smcs; Buffalo Co Attorney-\$18,750.00-smcs; Buffalo Co. Register Deeds-\$80.00-smcs; Buffalo Co. Sheriff-\$166,641.35-smcs; Buffalo Co. Historical-\$2,650.00-smcs; Builders-\$532.80-smcs,co; Capps,J-\$20.36-smcs; Carolina Software-\$650.00-co; Cash Wa-\$1,262.69-smcs; CDW Government-\$9,503.97-smcs; Chef Bananas-\$300.00-smcs; Chesterman-\$1,275.90-smcs; Child's World-\$1,891.20-smcs; Cigna-\$9,705.06-smcs; City of Ky-\$430,445.95-smcs,ps; Coatney,J-\$8.41-smcs; Cold Spring Granite-\$401.00-smcs; Comm. Service Fund-NE-\$58.00-ps; Comm. Health Agencies-\$106.00-ps; Compasscom-\$225.00-smcs; Compute North-\$26,276.17-smcs; Copycat-\$2,019.60-smcs; Core & Main-\$2,161.40-smcs,co; Country Partners-\$9,889.20-smcs; Credit Management Serv.-\$334.15-ps; Cutting Edge Cleaning-\$180.00-smcs; Cypress Information-\$926.10-smcs; Dandee Construction-\$900.00-smcs; Dekok,J-\$856.33-smcs; Depository Trust-\$356,625.00-ds; Deterding's Alternatives-\$3,395.48-smcs; Diamond Engineering-\$37,408.85-co; Double J-\$308.52-smcs; DPC Industries-\$14,647.89-smcs; Eagle Distributing-\$4,035.10-smcs; Eakes-\$652.18-smcs; Ed Broadfoot & Sons-\$3,254.46-smcs; Elder,E-\$10.01-smcs; Engineered Controls-\$39.21-smcs; Enterprise Electric-\$309.00-smcs; EZ Turf-\$1,954.32-smcs; Family Practice-\$833.00-ps; Felsbur Holt & Ullevig-\$3,581.25-smcs; Fiddelke-\$444.00-smcs; Fry & Associates-\$8,400.00-co; Gale/Cengage-\$120.76-smcs; Gangwish Turf-\$66.98-smcs; GD Concrete-\$39,753.45-co; Global ARFF-\$3,849.68-smcs; Gressley,T-\$110.00-smcs; Grimm,T-\$60.00-smcs; Harrison,M-\$90.95-smcs; Healey,R-\$37.42-smcs; Hinrichsen,A-\$85.00-smcs; Hird,J-\$17.70-smcs; HM Life Insurance-\$60,109.68-smcs; Hometown Leasing-\$885.00-smcs; Horst,R-\$122.17-smcs; ICMA-\$6,820.56-ps; Integrated Security -\$2,061.00-smcs; IRS-\$171,062.10-ps; J&A Traffic-\$9,455.00-smcs; Jack Lederman-\$26.88-smcs; Jack's Uniforms-\$1,739.48-smcs; Jackson Services-\$289.98-smcs; Johnson,K-\$122.94-smcs; Ky Crete & Block-\$1,800.34-co; Ky Literacy Council-\$1,500.00-smcs; Ky Winlectric-\$9,133.33-smcs; Kim Dart Designs-\$882.52-smcs; Konica Minolta-\$602.11-smcs; Krueger,G-\$90.14-smcs; Krug,R-\$2,400.00-smcs; Kuskie,J-\$8.00-smcs; Labouchardiere,A-\$16.98-smcs; Leadership Ky-\$450.00-smcs; Mac Tools-\$6.11-smcs; Macqueen Emergency-\$4,200.00-smcs; Magic Cleaning-\$7,050.00-smcs; Mead Lumber-\$1,645.27-co; Mid American Signal-\$2,175.00-smcs; Midlands Contracting-\$22,262.65-smcs; Mid-NE Garage Doors-\$275.00-smcs; Midwest Connect-\$7,865.48-smcs; Midwest Petroleum-\$722.00-smcs; Miller & Associates-\$59,185.80-smcs,co; Mirror Image-\$327.84-smcs; Monthey,P-\$925.00-smcs; Mrozek,C-\$28.84-smcs; Municipal Pipe-\$3,633.72-smcs;

Munsell,L-\$335.56-smcs; Myrec-\$5,095.00-smcs; NE Child Support Pmt-\$2,287.35-ps; NE Dept of Revenue-\$102,157.88-smcs,ps; NE Dept. Environmental-\$21,303.55-smcs; NE DMV-\$13.20-smcs; NE Public Health-\$1,303.00-smcs; NE Safety & Fire-\$410.00-smcs; NE Title-\$930.00-smcs; Nebraskaland Distrib.-\$3,194.40-smcs; Nicholls,P-\$55.83-smcs; Nichols,C-\$41.60-smcs; Noetzelman,J-\$101.65-smcs; Northwestern-\$1,094.02-smcs; Oak Creek Engineering-\$4,837.50-co; OCLC-\$764.46-smcs; One Call Concepts-\$519.05-smcs; O'Reilly Auto-\$1,944.90-smcs; Overhead Door-\$80.00-smcs; Paradigm Liaison-\$160.00-smcs; Paramount-\$31.26-smcs; Parlier,K-\$135.00-smcs; Payflex-\$539.75-smcs,ps; Pep Co.-\$150.00-smcs; Platte Valley Auto-\$16,350.00-co; Platte Valley Comm.-\$1,218.00-smcs; Precision Curbing-\$129.50-smcs; Presto-X-\$274.00-smcs; Ready Mixed Concrete-\$10,593.01-co; Recorded Books-\$3,081.96-smcs; Recreonics-\$394.39-smcs; Reinke's Heating-\$686.87-smcs; Ruff,S-\$370.00-smcs; Runnells,A-\$125.00-smcs; Rutt's Heating-\$192.50-smcs; School District 7-\$1,665.25-smcs; Schumacher Bros Fencing-\$440.00-smcs; Shredding Solutions-\$56.70-smcs; Silverstone-\$10,161.67-smcs; Smith,B-\$69.85-smcs; Smith,J-\$576.93-smcs; Snider,R-\$21.52-smcs; Spurling,K-\$14.62-smcs; Stitch 3-\$70.00-ps; Stryker Sales-\$1,365.00-smcs; Stutsman-\$2,745.00-smcs; Suchsland,T-\$40.00-smcs; Superior-\$700.00-smcs; TCH Central-\$604.43-smcs; Tri City Concrete-\$11,333.67-co; Tri City Sign Co.-\$119,250.00-co; Tri-Cities Group-\$338.69-smcs; Tri-Co Glass-\$7,800.00-smcs; Trugreen-\$255.00-smcs; Tye & Rowling-\$14,272.37-smcs; UL-\$4,509.20-smcs; Underground Construction-\$225.00-smcs; Union Bank & Trust-\$85,256.78-ps; Union Pacific Railroad-\$100.00-er; United States Treasury-\$1,076.96-smcs; United Way of Ky-\$337.00-ps; University of Missouri-\$12,000.00-smcs; Vasquez,J-\$4.25-smcs; Verizon-\$17,129.49-smcs; Vermont Systems-\$315.00-smcs; Vertiv Services-\$1,933.68-smcs; Village Cleaners-\$230.12-smcs; Volaire Aviation-\$2,000.00-smcs; Watchguard Video-\$146.59-smcs; Waterlink-\$682.12-smcs; Weyerhaeuser,L-\$200.00-smcs; Williams,J-\$14.67-smcs; Yanda's Music-\$60.00-smcs; Zamarripa,A-\$33.45-smcs; Payroll Ending 06/20/2020 -- \$534,132.07 and 07/04/2020 -- \$547,346.15. 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. Adopt Resolution No. 2020-103 approving the amended renewal of the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for a 40-acre detention cell located in northeast Kearney.

### **RESOLUTION NO. 2020-103**

WHEREAS, the City owns a large detention cell approximately 40 acres in northeast Kearney which is a part of the storm water drainage system in that part of the community; and

WHEREAS, on June 9, 2020, the City of Kearney and Greg Dollman entered into a Property Maintenance and Lease Agreement in accordance with the terms of said Agreement however, after further review by City staff, an amended agreement is desired; and

WHEREAS, the City and Greg Dollman will enter into an amended Property Maintenance and Lease Agreement in accordance with the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the amended Property Maintenance and Lease Agreement on behalf of the City of

Kearney. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

4. Approve the Amended Agreement between the City of Kearney and Central Nebraska Auto Club on behalf of Cruise Nite 2020 which describes parking on these public properties that are prohibited on October 17, 2020 beginning at 2:00 a.m. and adopt Resolution No. 2020-104.

**RESOLUTION NO. 2020-104**

WHEREAS, the COVID-19 pandemic has forced the Central Nebraska Auto Club to reschedule the annual event known as Cruise Nite from its originally scheduled date of July 14-19, 2020 to October 13-18, 2020.

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Amended Agreement, on behalf of the City of Kearney, Nebraska, with the Central Nebraska Auto Club, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

5. Approve the recommendation from the Development Services Division on extending the current license for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue an additional 30 days to correct the deficiencies.

6. Adopt Resolution No. 2020-105 approving Amendment No. 2 to the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program Project No. 3-31-0045-032 in connection with the Taxiway 'A' & Connecting Taxiway Rehabilitation project at the Kearney Regional Airport for the addition of Construction Observation/Closeout/Material Testing services to the existing contract.

**RESOLUTION NO. 2020-105**

WHEREAS, on November 26, 2019 the City Council adopted Resolution No. 2019-212 approving the Consultant Agreement with Alfred Benesch and Company for Airport Improvement Program Project No. 3-31-0045-032 for the reconstruction or rehabilitation of Taxiway 'A' & Connecting Taxiway Rehabilitation project at the Kearney Regional Airport which is being funded under the FAA Airport Improvement Program; and

WHEREAS, on March 10, 2020, Amendment No. 1 was approved that added the final design and bidding phases to the existing contract with Benesch; and

WHEREAS, Amendment No. 2, marked as Exhibit "A" attached hereto and made a part hereof by reference, is to supplement Benesch's existing contract by the addition of Construction Observation/Closeout/Material Testing services; and

WHEREAS, the Federal Aviation Administration (FAA) has already reviewed the proposed negotiated amendment and concurred on June 25, 2020 in the execution of the amendment by the City of Kearney, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 2 to the Consultant Agreement with Alfred Benesch and Company. Amendment No. 2, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2020-106 approving Change Order No. 1 showing a decrease in the amount of \$3,709.70, Application and Certificate for Payment No. 2-Final in the amount of \$4,054.47, and accept the Certificate of Substantial Completion submitted by Nielsen Contracting and approved by Olsson for the 2019 Part 7 Improvements; Alley Improvements in connection with Paving Improvement District No. 2019-999 for the construction of a concrete alley to replace an existing gravel section of alley between 5th Avenue and 6th Avenue, 21st Street and 22nd Street.

**RESOLUTION NO. 2020-106**

WHEREAS, Nielsen Contracting of Kearney, Nebraska has performed services in connection with the 2019 Part 7 Improvements; Alley Improvements in connection with Paving Improvement District No. 2019-999 for the construction of a concrete alley to replace an existing gravel section of alley between 5th Avenue and 6th Avenue, 21st Street and 22nd Street, and the City's Engineer, Olsson, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$3,709.70 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Nielsen Contracting and Olsson have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$4,054.47 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 44,254.00
Change Order No. 3 (7/14/20)	<u>- 3,709.70</u>
Contract Sum To Date	40,544.70
Gross Amount Due	40,544.70
Retainage (0%)	<u>- 0.00</u>
Amount Due to Date	40,544.70
Less Previous Certificates for Payment	<u>- 36,490.23</u>
Current Payment Due	\$ 4,054.47

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 17, 2020, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 14TH DAY OF JULY, 2020

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. Authorize the Mayor to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by Kearney Hospitality, Inc, dba Fairfield Inn & Suites located at 510 West Talmadge Street in connection with their Class C-093899 liquor license.

9. Authorize the Mayor to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by Win Investments, Inc, dba La Quinta Inn & Suites located at 108 3rd Avenue in connection with their Class C-093900 liquor license.

10. Authorize the Mayor to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by Mid-Plains Hospitality Group, dba Comfort Inn located at 118 3rd Avenue in connection with their Class C-094082 liquor license.

11. Approve the Plans and Specifications for the 2020 Part 7 Improvements; Downtown Asphalt and set the bid opening date for August 4, 2020 at 2:00 p.m.

12. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-123788 liquor license application and manager application for Travis Evans submitted by The Crafty Dog, Inc dba The Crafty Dog located at 1325 2nd Avenue, Suite A & B.

13. Adopt Resolution No. 2020-107 approving Application and Certificate for Payment No. 2 in the amount of \$81,888.98 submitted by Nielsen Contracting and approved by Olsson for 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street.

**RESOLUTION NO. 2020-107**

WHEREAS, Nielsen Contracting of Kearney, Nebraska has performed services in connection with the 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street, and the City's Engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$81,888.98 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 321,345.50</u>
Contract Sum To Date	321,345.50

Gross Amount Due	105,107.75
Retainage (10%)	- <u>10,510.78</u>
Amount Due to Date	94,596.98
Less Previous Certificates for Payment	<u>12,708.00</u>
Current Payment Due	\$ 81,888.98

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2, as shown on Exhibit "A", be and is hereby accepted and approved.

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

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**14.** Adopt Resolution No. 2020-108 approving Change Order No. 3 showing an increase in the amount of \$394.00 and extending the Date of Substantial Completion to June 30, 2020 and Application and Certificate for Payment No. 3 in the amount of \$20,382.00 submitted by Ensley Electrical Services and approved by City staff for the installation of a new generator at the Law Enforcement Center.

**RESOLUTION NO. 2020-108**

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with the installation of a new generator at the Law Enforcement Center, and City staff, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$394.00 and increasing the original Contract Time by 30 days for a new effective Date of Substantial Completion is June 30, 2020 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Ensley Electrical Services has filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$20,382.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 402,680.00
Change Order No. 1 (4-28-20)	+ 9,345.00
Change Order No. 2 (6-9-20)	+ <u>2,293.00</u>
Contract Sum to Date	\$ 414,318.00
Gross Amount Due	405,207.85
Retainage (10%)	- <u>40,520.79</u>
Amount Due to Date	364,687.06
Less Previous Certificates for Payment	- <u>344,305.06</u>
Current Payment Due	\$ 20,382.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine Change Order No. 3, as shown on Exhibit "A" and Application and Certificate for Payment No. 3, as shown on Exhibit "B", be and are hereby accepted and approved.

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

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**REDEVELOPMENT PROJECT FOR MILLENNIUM DEVELOPMENT LLC FOR PROPERTY LOCATED SOUTH OF WEST 24TH STREET AND WEST OF UNIVERSITY DRIVE**

Mayor Clouse opened for discussion the redevelopment project submitted by Millennium Development LLC for Redevelopment Area #10 for an area described as a tract of land located in part of Block 6, University Village Addition to the City of Kearney, Buffalo County, Nebraska further being part of a tract of land located in the Northeast Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of West 24th Street and West of University Drive) and consider Resolution No. 2020-110.

Wendell Wessels, Finance Director for the City of Kearney presented this matter to the Council. Mr. Wessels stated Millennium Development LLC is considering constructing four buildings with a total square footage of 106,632. The buildings will include fire sprinklers and have 64,494 square feet of parking and drive concrete. Upon completion of the project, estimated valuation of the property will be \$10,960,065. Current valuation of the property is \$0; therefore, the incremental valuation is estimated to be \$10,960,065. The annual increment in real estate taxes upon total completion of the project is estimated to be \$203,315 (\$10,960,065 @ 1.855056); however, during construction, the increment in real estate taxes will be less due to lower valuations while the project is being built. The CRA, at their meeting held July 6, 2020, approved the project be granted 90% of the annual increment in real estate taxes, not to exceed the lessor of \$2,700,292, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2021. The CRA approved Project Costs totaling \$2,700,292 as follows:

Utilities – water (includes interest cost of \$59,658)	\$ 239,658
Utilities – sanitary sewer (includes interest cost of \$34,469)	\$ 138,469
Utilities – electrical	\$ 200,000
Utilities – other (fiber)	\$ 65,000
Public parking facilities (includes interest cost of \$401,455)	\$1,612,705
Sidewalks (includes interest cost of \$94,460)	\$ 379,460
Lighting	\$ 65,000
<b>Total</b>	<b>\$2,700,292</b>

After the Redeveloper and City have received the lessor of \$2,700,292 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 \$2,700,292 or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2021 and pass a resolution authorizing the CRA Chairman, Treasurer, and Legal Counsel of the authority to execute a Redevelopment Contract with the Redeveloper.

Council Member Tami Moore stated she will be abstaining from the vote due to her employment with the University of Nebraska at Kearney.

Moved by Lear seconded by Buschkoetter to approve the finding that the redevelopment project set forth in the application submitted by Millennium Development, 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 \$2,700,292, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2021 and to adopt Resolution No. 2020-109 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Millennium Development, LLC. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore abstain. Nikkila absent. Motion carried.

### **RESOLUTION NO. 2020-109**

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 a tract of land located in part of Block 6, University Village Addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Northeast corner, Block 6, University Village Addition; thence on an assumed bearing of S 00°44'16" E along the East side of said Bloc 6, a distance of 164.32 feet to a point of curvature, said point also being the POINT OF BEGINNING; thence around a curve in a counter-clockwise direction, having a radius of 72.00 feet, a delta angle of 90°44'40", a cord bearing of S 45°22'08" E, a chord distance of 102.48 feet, an arc length of 114.03 feet to a point of reverse curvature; thence around a curve in a clockwise direction, having a radius of 30.00 feet, a delta angle of 90°00'12", a chord bearing of S 45°44'22" E, a chord distance of 42.43 feet, an arc length of 47.13 feet; thence S 00°44'16" E along the East side of said Block 6, a distance of 54.81 feet to a point of curvature; thence around a curve in a counter-clockwise direction, having a radius of 1050.00 feet, a delta angle of 8°36'33", a chord bearing of S 04°52'38" E, a chord distance of 157.63 feet, an arc length of 157.77 feet; thence S 80°49'06" W a distance of 91.02 feet; thence S 84°40'58" W a distance of 95.58 feet; thence S 07°45'19" E a distance of 80.60 feet; thence S 80°15'32" W a distance of 202.96 feet to a point of curvature; thence around a curve in a clockwise direction, having a radius of 923.00 feet, a delta angle 14°24'35", a chord bearing of N 07°44'08" W, a chord distance of 231.52 feet, an arc length of 232.13 feet; thence N 00°32'05" W a distance of 218.58 feet; thence N 89°23'36" E a distance of 289.98 feet to a point of beginning, said tract contains 3.32 acres, all in Buffalo County, Nebraska (Parcel ID \_\_\_\_\_); 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 located in part of Block 6, University Village Addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Northeast corner, Block 6, University Village Addition; thence on an assumed bearing of S 00°44'16" E along the East side of said Bloc 6, a distance of 164.32 feet to a point of curvature, said point also being the POINT OF BEGINNING; thence around a curve in a counter-clockwise direction, having a radius of 72.00 feet, a delta angle of 90°44'40", a cord bearing of S 45°22'08" E, a chord distance of 102.48 feet, an arc length of 114.03 feet to a point of reverse curvature; thence around a curve in a clockwise direction, having a radius of 30.00 feet, a delta angle of 90°00'12", a chord bearing of S 45°44'22" E, a chord distance of 42.43 feet, an arc length of 47.13 feet; thence S 00°44'16" E along the East side of said Block 6, a distance of 54.81 feet to a point of curvature; thence around a curve in a counter-clockwise direction, having a radius of 1050.00 feet, a delta angle of 8°36'33", a chord bearing of S 04°52'38" E, a chord distance of 157.63 feet, an arc length of 157.77 feet; thence S 80°49'06" W a distance of 91.02 feet; thence S 84°40'58" W a distance of 95.58 feet; thence S 07°45'19" E a distance of 80.60 feet; thence S 80°15'32" W a distance of 202.96 feet to a point of

curvature; thence around a curve in a clockwise direction, having a radius of 923.00 feet, a delta angle  $14^{\circ}24'35''$ , a chord bearing of  $N 07^{\circ}44'08'' W$ , a chord distance of 231.52 feet, an arc length of 232.13 feet; thence  $N 00^{\circ}32'05'' W$  a distance of 218.58 feet; thence  $N 89^{\circ}23'36'' E$  a distance of 289.98 feet to a point of beginning, said tract contains 3.32 acres, all in Buffalo County, Nebraska (Parcel ID \_\_\_\_\_); 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 located in part of Block 6, University Village Addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Northeast corner, Block 6, University Village Addition; thence on an assumed bearing of  $S 00^{\circ}44'16'' E$  along the East side of said Block 6, a distance of 164.32 feet to a point of curvature, said point also being the POINT OF BEGINNING; thence around a curve in a counter-clockwise direction, having a radius of 72.00 feet, a delta angle of  $90^{\circ}44'40''$ , a chord bearing of  $S 45^{\circ}22'08'' E$ , a chord distance of 102.48 feet, an arc length of 114.03 feet to a point of reverse curvature; thence around a curve in a clockwise direction, having a radius of 30.00 feet, a delta angle of  $90^{\circ}00'12''$ , a chord bearing of  $S 45^{\circ}44'22'' E$ , a chord distance of 42.43 feet, an arc length of 47.13 feet; thence  $S 00^{\circ}44'16'' E$  along the East side of said Block 6, a distance of 54.81 feet to a point of curvature; thence around a curve in a counter-clockwise direction, having a radius of 1050.00 feet, a delta angle of  $8^{\circ}36'33''$ , a chord bearing of  $S 04^{\circ}52'38'' E$ , a chord distance of 157.63 feet, an arc length of 157.77 feet; thence  $S 80^{\circ}49'06'' W$  a distance of 91.02 feet; thence  $S 84^{\circ}40'58'' W$  a distance of 95.58 feet; thence  $S 07^{\circ}45'19'' E$  a distance of 80.60 feet; thence  $S 80^{\circ}15'32'' W$  a distance of 202.96 feet to a point of curvature; thence around a curve in a clockwise direction, having a radius of 923.00 feet, a delta angle  $14^{\circ}24'35''$ , a chord bearing of  $N 07^{\circ}44'08'' W$ , a chord distance of 231.52 feet, an arc length of 232.13 feet; thence  $N 00^{\circ}32'05'' W$  a distance of 218.58 feet; thence  $N 89^{\circ}23'36'' E$  a distance of 289.98 feet to a point of beginning, said tract contains 3.32 acres, all in Buffalo County, Nebraska (Parcel ID \_\_\_\_\_); 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 JULY, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Clouse seconded by Moore that Council adjourn at 5:46 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

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