

*Kearney, Nebraska  
May 11, 2021  
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on May 11, 2021 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter and Bruce Lear. Absent: Tami James Moore and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Bryan Waugh, Chief of Police and Jason Whalen, Fire Administrator were also present. Additional members of the Kearney Volunteer Fire Department were present for the presentation of service awards.

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 VOLUNTEER FIRE DEPARTMENT COLOR GUARD AND PLEDGE OF ALLEGIANCE**

Members of Kearney Volunteer Fire Department Color Guard including: Matt Begnoche, Quincy Bennett, Chris Hellerich, and Nate Toof presented and posted the colors. Two (2) Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS/RECOGNITIONS**

Presentation of National Police Week 2021 Proclamation to the Kearney Police Department. Mayor Clouse read the Proclamation. Kearney Police Chief Bryan Waugh thanked the Kearney Volunteer Fire Department Color Guard for presenting the colors. Chief Waugh thanked, on behalf of the Kearney Police Department (KPD) and all members of law enforcement across the state, City Council Members, the City Manager, City staff and the Kearney community, for the support KPD has received. Chief Waugh

noted he attended the Nebraska Law Enforcement Memorial where two (2) Nebraska Officers were honored: Investigator Mario Herrera, Lincoln Police Department and Trooper Jerry Smith, Jr., Nebraska State Patrol, who were both killed in the line of duty in the past two (2) years. National Police Week is a time to reflect on all of the sacrifices Law Enforcement Officers make. One hundred sixteen (116) Law Enforcement Officers have been killed in the line of duty across the state of Nebraska to date. Chief Waugh stated it is the goal to always provide the support, equipment and training that Kearney Police Officers need to do a dangerous job, safely.

### **PRESENTATION OF KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS**

Mayor Clouse and Council Members recognized the following volunteer firefighters: Matthew Begnoche and Tyler Vlasin for 5 years of service; Aaron Jameson, Shane Johnston, Dave Krueger and Lonny Reeder for 10 years of service; Jerry Folck and Ric Pulliam for 15 years of service; Jason Whalen for 20 years of service; Todd Walton for 25 years of service; and Gisel Krueger, Tim Pratt and Jerry Thompson for 30 years of service. Fire Chief Jim Tacha stated this is one of the best days of the year as tonight 12 members of the Fire Department are recognized who have a combined total of 190 years of experience. Fire Chief Tacha thanked Chief Waugh for the great relationship the Departments share in addition to the support received from the City which is also greatly appreciated.

Mayor Clouse thanked the Fire Department members for all the work they do for the community.

Council Member Randy Buschkoetter stated he is always amazed at the number of volunteers Kearney has and the level of dedication they provide for the City.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **REZONING OF PROPERTY LOCATED AT 1910 ANTELOPE AVENUE**

Mayor Clouse stated Public Hearing 1 has been requested to be postponed to May 25, 2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Buffalo Surveying Corp. for Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue).

Moved by Lear seconded by Buschkoetter to postpone until May 25, 2021 the application submitted by Buffalo Surveying Corp. for Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees to rezone from District AG, Agricultural District to District RR-2,

Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter. Nay: None. Moore and Nikkila absent. Motion carried.

### **FINAL PLAT FOR FENWICK SUBDIVISION**

Mayor Clouse stated Public Hearing 2 has been requested to be postponed to May 25, 2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Buffalo Surveying Corp. for Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees for the Final Plat for Fenwick Subdivision, a subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue).

Moved Lear seconded by Buschkoetter to postpone until May 25, 2021 the application submitted by Buffalo Surveying Corp. for Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees for the Final Plat for Fenwick Subdivision, a subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter. Nay: None. Moore and Nikkila absent. Motion carried.

### **DEVELOPMENT OF ERIN'S VALLEY SECOND**

Mayor Clouse stated Public Hearing 3 has been requested to be postponed to May 25, 2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Trenton Snow for Timothy and Lauren O'Brien to 1) vacate Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8486; and 2) the Final Plat for Erin's Valley Second, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as (to be vacated) Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5455 West 60th Street).

Moved by Buschkoetter seconded by Clouse to postpone until May 25, 2021 the application submitted by Trenton Snow for Timothy and Lauren O'Brien to 1) vacate Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8486; and 2) the Final Plat for Erin's Valley Second, a subdivision being part of the West Half of the East

Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as (to be vacated) Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5455 West 60th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

### **REZONING OF PROPERTY LOCATED AT 5145 COTTONMILL AVENUE**

Mayor Clouse stated Public Hearing 4 has been requested to be postponed to May 25, 2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue).

Moved by Clouse seconded by Lear to postpone until May 25, 2021 the application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

### **FINAL PLAT FOR RADTKE ARTRUP SUBDIVISION**

Mayor Clouse stated Public Hearing 5 has been requested to be postponed to May 25, 2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup for the Final Plat for Radtke Artrup Subdivision, a subdivision being part of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue).

Moved by Clouse seconded by Lear to postpone until May 25, 2021 the application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup for the Final Plat for Radtke Artrup Subdivision, a subdivision being part of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

### **REZONING OF PROPERTY LOCATED EAST OF 11TH AVENUE BETWEEN 50TH STREET AND 55TH STREET**

Mayor Clouse stated Public Hearing 6 has been requested to be postponed to May 25,

2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street).

Moved by Lear seconded by Buschkoetter to postpone until May 25, 2021 the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

#### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR FOUNTAIN HILLS THIRTEENTH ADDITION**

Mayor Clouse stated Public Hearing 7 has been requested to be postponed to May 25, 2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the Final Plat and Subdivision Agreement for Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street).

Moved by Lear seconded by Buschkoetter to postpone until May 25, 2021 the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the Final Plat and Subdivision Agreement for Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

#### **ANNEXATION OF FOUNTAIN HILLS THIRTEENTH ADDITION**

Mayor Clouse stated Public Hearing 8 has been requested to be postponed to May 25, 2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited

Liability Company (c/o Kent Holsten) for the annexation of Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street).

Moved by Lear seconded by Buschkoetter to postpone until May 25, 2021 the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the annexation of Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

#### **PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED EAST OF 11TH AVENUE BETWEEN 50TH STREET AND 55TH STREET**

Mayor Clouse stated Public Hearing 9 has been requested to be postponed to May 25, 2021 due to absence of two (2) Council members and not having super majority vote on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for Planned District Development Plan Approval for the proposed construction of an apartment development on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Block One and Lot 1, Block Two, all in Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street).

Moved by Lear seconded by Buschkoetter to postpone until May 25, 2021 the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for Planned District Development Plan Approval for the proposed construction of an apartment development on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Block One and Lot 1, Block Two, all in Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

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

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

1. Approve Minutes of Regular Meeting held April 27, 2021.

2. Approve the following Claims:

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

ALS-\$2,744.00-smcs; Amazon-\$1,757.23-smcs; Artisans-\$40.00-smcs; Asche,M-\$6.93-smcs; Ask Supply-\$1,075.35-smcs; Aurora Coop-\$28.24-smcs; Avfuel-\$25,466.15-smcs; Axon Enterprise-\$14,100.00-co; Baird Holm-\$2,090.00-smcs; Baker & Taylor-\$4,732.15-smcs; Blessing-\$27,855.00-co; BlueCross BlueShield-\$127,336.67-smcs; Bosselman-\$12,471.32-smcs; Bridgett Lavene Consulting-\$2,500.00-smcs; Broadfoot's-\$2,814.60-smcs; Broeder,J-\$14.64-smcs; Buffalo Co. Board Comm.-\$14,005.97-smcs; Buffalo Co. Treasurer-\$5,188.92-smcs; Buffalo Co Sheriff-\$2,046.48-smcs; Builders-\$2,617.41-smcs,co; Carlton,A-\$26.93-smcs; Cash-Wa-\$2,268.68-smcs; Chesterman-\$211.60-smcs; Chramosta,R-\$186.00-smcs; Cigna-\$7,981.21-smcs; City Glass-\$211.70-smcs; City of Ky-\$618,899.26-smcs,ps; Comm Act Part of Mid NE-\$1,090.00-smcs; Comm. Health Agencies-\$77.00-ps; Comm. Service Fund-\$78.00-ps; Compute North-\$48,555.25-smcs; Construction Rental-\$33.00-smcs; Cooper,C-\$12.23-smcs; Core & Main-\$7,087.12-smcs; Country Partners-\$82,303.06-smcs; Credit Mgmt. Services-\$99.34-ps; Culligan-\$167.00-smcs; Cummins-\$493.48-smcs; Cutter & Buck-\$3,559.90-smcs; Cutting Edge-\$145.00-smcs; Dan's Plumbing-\$180.00-smcs; Data Axle-\$415.00-smcs; Deke,L-\$69.62-smcs; Dell Marketing-\$4,716.16-co; Dickerson,J-\$44.29-smcs; DLT Solutions-\$5,211.34-smcs; Eagle Distributing-\$1,811.25-smcs; Eakes-\$862.02-smcs; Elder,E-\$112.00-smcs; Elliott Equipment-\$5,342.00-smcs; Elsbernd,L-\$11.04-smcs; Family Practice-\$565.00-ps; Fay,A-\$44.85-smcs; Faz,A-\$186.00-smcs; Fedex-\$114.29-smcs; Fire Com-\$536.84-smcs; Fish,C-\$90.72-smcs; Friesen Chevrolet-\$3,115.00-smcs; Frontier-\$7,245.08-smcs; Fruhling,J-\$31.17-smcs; Gale-\$1,254.69-smcs; Garcia Chicoine Entp-\$5,254.40-smcs; Garrels,J-\$223.00-smcs; Goodwin Tucker-\$537.63-smcs; Greater NE Cities-\$1,000.00-smcs; Hajek,L-\$32.80-smcs; Hayes,D-\$25.29-smcs; Heiman Fire-\$95.70-smcs; Helfrich,A-\$32.23-smcs; Hinrichs,S-\$46.47-smcs; HM Life Insurance-\$58,256.70-smcs; Hometown Leasing-\$1,088.88-smcs; Hughes,C-\$221.98-smcs; ICMA-\$7,847.94-ps; Integrated Security-\$148.00-smcs; IRS-\$168,569.55-ps; Jack's Uniforms-\$118.89-smcs; Jacobsen,S-\$80.00-smcs; JCB Delivery-\$65.00-smcs; Jenn,C-\$245.00-smcs; Johnson Brothers of NE-\$510.00-smcs; Jons,R-\$120.00-smcs; Kadavy,J-\$3.39-smcs; Kart-Mart-\$1,155.00-smcs; Kathman,R-\$24.04-smcs; Ky Hub-\$78.00-smcs; Ky Powersports-\$18,174.00-co; Ky Winlectric-\$16,560.41-smcs,co; Kinne,P-\$6.93-smcs; Kirkham Michael-\$3,300.00-smcs; Konica Minolta-\$1,256.52-smcs; Kraemer,R-\$32.80-smcs; Landen,D-\$10.99-smcs; Lechman,C-\$2.46-smcs; Lerner Publications-\$2,688.40-smcs; Liestad,L-\$30.64-smcs; Londer,P-\$35.84-smcs; Losh,S-\$19.67-smcs; Luzum,H-\$31.97-smcs; Magic Cleaning-\$6,650.00-smcs; Marlatt Machine-\$3,444.33-co; Martin,D-\$26.49-smcs; Mazour,M-\$28.70-smcs; Menards-\$282.03-smcs; Meyers,A-\$18.46-smcs; Midwest Connect-\$7,454.12-smcs; Miller & Associates-\$168,438.10-smcs,co; Miller Signs-\$1,458.50-smcs,co; Milliman-\$1,900.00-smcs; Minturn,L-\$36.65-smcs; Modern Warriors-\$2,334.00-smcs; Mollee's Motor Works-\$900.00-smcs; Municode-\$855.00-smcs; Murphy Tractor-\$1,037.57-smcs; NE Child Support-\$1,517.12-ps; NE Dept. Revenue-\$83,821.79-ps; NE Golf Association-\$2,310.00-smcs; NE Safety & Fire-\$90.00-smcs; NE Secretary of State-\$30.00-smcs;

Nebraskaland Distributors-\$2,462.15 -smcs; Nielsen Contracting-\$84,713.72-co; Northwestern Energy-\$8,558.68-smcs; Nova Fitness-\$642.72-ps; Oak Creek Engineering-\$3,967.50-co; OCLC-\$764.46-smcs; Olsson-\$4,016.08-co; One Call Concepts-\$588.95-smcs; Otto Environmental-\$18,820.67-smcs; Paramount-\$31.26-smcs; Parkos,R-\$6.93-smcs; Payflex-\$544.00-smcs,ps; Payton,D-\$177.73-smcs; Peerless Machine-\$6,317.50-smcs; Pep Co-\$137.34-smcs; Perkins,D-\$81.85-smcs; Pioneer-\$881.25-smcs; Platt,M-\$24.47-smcs; Platte Valley Comm.-\$3,192.25-smcs; Plixer-\$1,500.35-smcs; Powertech-\$495.96-smcs; Presto-X-\$127.00-smcs; Prime Communications-\$1,164.30-smcs; Probasco,A-\$17.90-smcs; Rare Refrigeration-\$544.25-smcs; Rasmussen Mechanical-\$26,626.00-smcs; RDG Planning-\$16,953.85-co; Reidy,A-\$0.53-smcs; Roberts,N-\$12.23-smcs; Robinson,J-\$59.45-smcs; Rulls,C-\$15.13-smcs; S2O Design-\$7,500.00-co; Safranek,K-\$27.88-smcs; Schmitt,R-\$30.72-smcs; School District #7-\$6,215.00-smcs; Schriener,S-\$100.00-smcs; Schrock,B-\$0.23-smcs; Schumacher Bros Fencing-\$382.00-smcs; Scott,G-\$9.27-smcs; See Clear Cleaning-\$2,439.25-smcs; Shredding Solutions-\$195.45 -smcs; Sides,A-\$0.64-smcs; SignIt-\$108.00-smcs; Snyder,A-\$6.93-smcs; Steinbrink-\$650.00-smcs; Stoltenberg,T-\$52.49-smcs; Stopak,C-\$49.10-smcs; Stryker Sales-\$761.25-smcs; Stutsman-\$2,196.00-smcs; Suburban Fire-\$17,138.46-smcs; TCH Central-\$642.28-smcs; Tielke's Sandwiches-\$158.42-smcs; Tour Edge-\$140.42-smcs; Trade Well Pallet-\$1,700.00-co; Trugreen-\$291.00-smcs; Turner Body Shop-\$200.00-smcs; Twin City Hardware-\$144.55-smcs; Tye & Rowling-\$14,933.72-smcs; Union Bank-\$88,331.30-ps; Union Pacific-\$2,544.31-co; United Way-\$403.14-ps; Van Diest-\$28,590.25-smcs; Verizon-\$8,764.41-smcs; Village Uniform-\$210.54-smcs; Warren,M-\$80.00-smcs; Welch,Z-\$11.04-smcs; Wells Fargo-\$50,568.36-smcs; Ziemba Roofing-\$2,939.00-smcs; Zoucha,K-\$27.50-smcs; Payroll Ending 04/24/2021 -- \$509,902.16. 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. 2021-75 approving Change Order No. 1 showing a decrease in the amount of \$38,835.38, Application for Payment No. 5-Final in the amount of \$32,740.80 and accept the Certificate of Substantial Completion submitted by The Diamond Engineering Company and approved by Oak Creek Engineering for the Cherry Avenue Pedestrian Bridge Replacement.

**RESOLUTION NO. 2021-75**

WHEREAS, The Diamond Engineering Co. of Grand Island, Nebraska has performed services in connection with the Cherry Avenue Pedestrian Bridge Replacement, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$38,835.38 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, The Diamond Engineering Co. and Oak Creek Engineering have filed with the City Clerk Application and Certificate for Payment No. 5-Final in the amount of \$32,740.80 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 358,130.42
Change Order No. 1 (5/11/21)	<u>- 38,835.38</u>

Contract Sum To Date	319,295.04
Gross Amount Due	319,295.04
Retainage (0%)	<u>- 0.00</u>
Amount Due to Date	319,295.04
Less Previous Certificates for Payment	<u>- 286,554.24</u>
Current Payment Due	\$ 32,740.80

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of October 6, 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. 5-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 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-124269 liquor license application and manager application for Tina Stone submitted by Casey’s Retail Company dba Casey’s General Store 3997 located at 1107 2nd Avenue.

5. Adopt Resolution No. 2021-76 approving the Agency Agreement between the City of Kearney and Nebraska Department of Transportation (NDOT), Aeronautics Division for Project No. 3-31-0045-034-2021 (in connection with the Parking Lot Expansion project at the Kearney Regional Airport) allowing the NDOT, Aeronautics Division to act as the City’s agent for the project.

**RESOLUTION NO. 2021-76**

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH NEBRASKA DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISION FOR PROJECT NO. 3-31-0045-034-2021 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT.

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

1. The City of Kearney shall enter into an Agency Agreement with the Department of Transportation, Aeronautics Division for Project No. 3-31-0045-034-2021 for the purpose of obtaining federal assistance in the development of the Airport and that such agreement shall be set forth hereinbelow.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

3. The said Agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2021-77 approving the Agency Agreement between the City of Kearney and Nebraska Department of Transportation (NDOT), Aeronautics Division for Project No. 3-31-0045-035-2021 (in connection with the Terminal Building Expansion project at the Kearney Regional Airport) allowing the NDOT, Aeronautics Division to act as the City's agent for the project.

**RESOLUTION NO. 2021-77**

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH NEBRASKA DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISION FOR PROJECT NO. 3-31-0045-035-2021 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT.

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

1. The City of Kearney shall enter into an Agency Agreement with the Department of Transportation, Aeronautics Division for Project No. 3-31-0045-035-2021 for the purpose of obtaining Federal assistance in the development of the Airport and that such agreement shall be set forth hereinbelow.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

3. The said Agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Approve the Interlocal Cooperation Agreement for Kearney Police/Buffalo County Emergency Services Unit and Crisis Negotiation Unit between the City of Kearney and Buffalo County to form the Kearney Police/Buffalo County Emergency Services Unit (ESU) and Crisis Negotiation Unit (CNU) and define the roles and responsibilities of each department and adopt Resolution No. 2021-78.

**RESOLUTION NO. 2021-78**

WHEREAS, it has been determined to be in the best interests of the Kearney Police Department and Buffalo County Sheriff's Office to continue operation of the Emergency

Services Unit and Crisis Negotiation Unit (ESU) which is a combined collaboration between both agencies;

WHEREAS, an Interlocal Cooperation Agreement for Kearney Police/Buffalo County Emergency Services Unit and Crisis Negotiation Unit has been established to strengthen the team with set leadership guidelines, governing board, jurisdictional authority, and fiscal options for shared equipment and training between both agencies.

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 said "Interlocal Cooperation Agreement for Kearney Police/Buffalo County Emergency Services Unit and Crisis Negotiation Unit" as set forth in Exhibit "A", attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. Accept the bids received for Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park and adopt Resolution No. 2021-79 awarding the bid to Whinnery Construction in the amount of \$583,917.50.

**RESOLUTION NO. 2021-79**

WHEREAS, S2o Design and Engineering and the City of Kearney have reviewed the sealed bids which were opened on May 4, 2021 at 2:00 p.m. for the continuation of Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$506,832.63; and

WHEREAS, Olsson and the City have recommended the bid offered by Whinnery Construction, Inc. of Lake City, Colorado in the amount of \$583,917.50 (acceptance of original bid total of \$588,355.00 and inclusion and acceptance of the credit for Bid Alternate #1 for crusher fines trail in the amount of -\$4,437.50) be accepted as the lowest resp-nsible bid for continuation of Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park.

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 Whinnery Construction, Inc. be and is the lowest responsible bidder for the continuation of Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Whinnery Construction, Inc. in the amount of \$583,917.50 (acceptance of original bid total of \$588,355.00 and inclusion and acceptance of the credit for Bid Alternate #1 for crusher fines trail in the amount of -\$4,437.50) be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$506,832.63 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 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Adopt Resolution No. 2021-80 approving the Memorandum of Understanding for University Village Utility Infrastructure between the Board of Regents of the University of Nebraska, the University Village Development Corporation of Kearney and the City of Kearney detailing the responsibilities for the construction of the water main and sanitary sewer main to serve University Village.

**RESOLUTION NO. 2021-80**

WHEREAS, the Board of Regents of the University of Nebraska, a public body corporate and governing body of the University of Nebraska at Kearney currently owns that certain land known as "University Village", which is leased to University Village Development Corporation of Kearney, a Nebraska non-profit corporation (UVK) pursuant to a Master Lease; and

WHEREAS, the Board of Regents of the University of Nebraska and UVK desire to construct the water main and sanitary sewer main to serve University Village (the "University Village Improvements"); and

WHEREAS, University water and sanitary sewer infrastructure shall be designed and constructed with respect to the City of Kearney Subdivision Design Manual and Standard Specifications (the "City Standards").

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

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

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

10. Adopt Resolution No. 2021-81 approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

**RESOLUTION NO. 2021-81**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the Peterson Senior Activity Center Annual Nutrition Service Contract on behalf of the City of Kearney. The said Contract, marked as Exhibit "1", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Adopt Resolution No. 2021-82 approving the Memorandum of Understanding between U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) and the Kearney, Nebraska Police Department (KPD) to participate in the Homeland Security Highway Interdiction Task Force and allow KPD to assign select police officers as credentialed HSI Taskforce Officers and access to federal funds for overtime and selective enforcement operations.

**RESOLUTION NO. 2021-82**

WHEREAS, the Kearney Police Department (KPD) embraces establishing partnerships with other State, Local, and Federal agencies; and

WHEREAS, the KPD desires to enter into a Memorandum of Understanding (MOU) with the U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI), that would allow the Kearney Police Department to participate in the Homeland Security Highway Interdiction Task Force and allow KPD to assign select police officers as credentialed HSI Taskforce Officers and access to federal funds for overtime and selective enforcement operations.

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

BE IT FURTHER RESOLVED that the Chief of Police be and is hereby authorized and directed to execute the Memorandum of Understanding on behalf of the City of Kearney.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

12. Adopt Resolution No. 2021-83 approving the Memorandum of Understanding between U.S. Immigration and Customs Enforcement (ICE), SAC Kansas City and the Kearney, Nebraska Police Department (KPD) for the purpose of the reimbursement of costs incurred by the Kearney Police Department in providing resources to joint operations/task forces.

**RESOLUTION NO. 2021-83**

WHEREAS, the Kearney Police Department (KPD) embraces establishing partnerships with other State, Local, and Federal agencies; and

WHEREAS, the KPD desires to enter into a Memorandum of Understanding (MOU) with the U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI), that would allow KPD to participate in the Homeland Security Highway Interdiction Task Force and for the purpose of the reimbursement of costs incurred by KPD in providing resources to joint operations/task forces.

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

BE IT FURTHER RESOLVED that the Chief of Police be and is hereby authorized and directed to execute the Memorandum of Understanding on behalf of the City of Kearney.

PASSED AND APPROVED THIS 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8489 AMENDING CHAPTER 4 "FIRE REGULATIONS"**

Ordinance No. 8489 authorizes amending two (2) Sections of Article 2 "Fire Department" of Chapter 4 "Fire Regulations" of the City Code specifically being Section 4-203 "Officers Generally" to amend and update the created offices; and Section 4-210 "Duties of Assistant Chief" to amend and update the title of Assistant Chief to Deputy Chief and Battalion Chiefs.

Moved by Lear seconded by Buschkoetter to postpone until May 25, 2021 due to the absence of two (2) Council members and not having super majority vote, Ordinance No. 8489 amending two (2) Sections of Article 2 "Fire Department" of Chapter 4 "Fire Regulations" of the City Code specifically being Section 4-203 "Officers Generally" to amend and update the created offices; and Section 4-210 "Duties of Assistant Chief" to amend and update the title of Assistant Chief to Deputy Chief and Battalion Chiefs. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

### **ORDINANCE NO. 8490 AMENDING SECTION 8-617 "CHEMICAL TESTS; REFUSAL; PENALTIES" OF ARTICLE 6 "OPERATION OF VEHICLES" OF CHAPTER 8 "POLICE"**

Ordinance No. 8490 authorizes amending Section 8-617 "Chemical Tests; Refusal; Penalties" of Article 6 "Operation of Vehicles" of Chapter 8 "Police" of the City Code to amend language to align with Nebraska Revised Statute.

Moved by Lear seconded by Buschkoetter to postpone until May 25, 2021 due to the absence of two (2) Council members and not having super majority vote, Ordinance No. 8490 amending Section 8-617 "Chemical Tests; Refusal; Penalties" of Article 6 "Operation of Vehicles" of Chapter 8 "Police" of the City Code to amend language to align with Nebraska Revised Statute: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

## **VI. REGULAR AGENDA**

### **REDEVELOPMENT PROJECT FOR TSB ENTERPRISES, LLC – KEARNEY STORAGE FOR PROPERTY LOCATED NORTHWEST OF 17TH STREET PLACE AND WEST OF 14TH AVENUE**

Mayor Clouse opened for discussion Resolution No. 2021-84 approving the redevelopment project submitted by TSB Enterprises, LLC – Kearney Storage for Redevelopment Area #5 for an area described as Lot 2, Block 1, Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northwest of 17th Street Place and West of 14th Avenue).

Wendell Wessels, Finance Director, presented this matter to the Council. Mr. Wessels stated TSB Enterprises, LLC – Kearney Storage would like to construct four (4) wood framed storage buildings; total square footage of all four (4) buildings is 20,400. The buildings will be located to the west of the 17th Avenue Place cul-de-sac. The total new valuation of the property upon completion is estimated to be \$1,116,950 and the current valuation of the property is \$78,560; therefore, the incremental valuation is estimated to be \$1,038,030. The annual increment in TIF will be \$19,015 or approximately \$256,705 over a fifteen-year period. The Developer is requesting Project costs totaling \$376,632. On April 28, 2021 the CRA approved TIF for this project in the amount of 90% for the annual increment not to exceed \$256,705, or the certified eligible Project Costs, over a period of 15 years.

City staff agrees with the CRA's recommendation to grant the project 90% of the annual increment not to exceed \$256,705.

Moved by Buschkoetter seconded by Clouse finding that the redevelopment project set forth in the application submitted by TSB Enterprises, LLC – Kearney Storage 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 \$256,705, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2021 and to adopt Resolution No. 2021-84 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with TSB Enterprises, LLC – Kearney Storage. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore and Nikkila absent. Motion carried.

### **RESOLUTION NO. 2021-84**

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 #5 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 Lot 2, Block 1, Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047301); 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 2, Block 1, Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047301); 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 2, Block 1, Fuller and Daley

Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047301); 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 11TH DAY OF MAY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **OPEN ACCOUNT CLAIM**

With the absence of Council Members Moore and Nikkila and Mayor Clouse having to abstain, the Open Account Claim in the amount of \$5,639.89 to Nebraska Public Power District will be placed on the May 25, 2021 agenda for approval.

## **VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Clouse seconded by Lear that Council adjourn at 5:49 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter. Nay: None. Moore and Nikkila absent. Motion carried.

**ATTEST:**

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

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**LAUREN BRANDT  
CITY CLERK**