

*Kearney, Nebraska  
June 8, 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 June 8, 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, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police and Brenda Jensen, Development Services Director, were also present.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

With the absence of a minister, the Council held a moment of silence.

### **PLEDGE OF ALLEGIANCE**

One (1) Boy Scout from Troop 158 led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **RECEIVE INPUT ON ENGINEERING REPORT**

Mayor Clouse opened the public hearing on an Engineering Report for water storage facility paint restorations, new elevated water storage, new booster pump station, modifications to existing booster pump stations, 31st Street water main replacement and fiber optic communications to infrastructure as required by the Nebraska Department of Health and Human Services.

Chris Miller with Miller & Associates presented this matter to the Council. Mr. Miller discussed the Drinking Water State Revolving Fund (DWSRF) which has been used for funding water projects in Kearney in the past. An Infrastructure Bill that came through in the last three to six months allows the City 0% interest and 0% admin fees for up to 30 years for projects that can be constructed over the next three (3) years. The largest of the projects will be the construction of a new 2 million gallon elevated water tower which will also include a booster pump and a generator that will be located on property east of Avenue N and south of proposed 48th Street. The proposed Booster Pump station will be prefabricated and built off site and will be placed on a cement foundation. The new Booster Pump station will contain three (3) pumps. Mr. Miller explained additional projects that will include: rehabilitation of the City's two (2) existing water towers which will include exterior painting, evaluation of interior coatings and updates to electrical, lighting and vent replacement; rehabilitation of Booster Pump Stations 1 and 2 located by Public Works that will include installation of VFDs (variable frequency drives) for better efficiency, additional maintenance on the pumps and replacement of valves; water main replacement on 31st Street from Avenue G to Avenue N (remove 6-inch main and replace with 12-inch main) and the continuation of installation of a fiber optics line for City services for better efficiency. The total funding request from the DWSRF for all the projects will be \$8,000,000. The loan period can be for either 20 or 30 years.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the public hearing to receive input from the public on an Engineering Report for water storage facility paint restorations, new elevated water storage, new booster pump station, modifications to existing booster pump stations, 31st Street water main replacement and fiber optic communications to infrastructure as required by the Nebraska Department of Health and Human Services. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

#### **REZONE PROPERTY LOCATED AT 515 EAST 56TH STREET**

Mayor Clouse opened the public hearing on the application submitted by Joshua and Lisa Miller for Table Acres Properties, LLC to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O, Office District for property described as Lot 28, Block 7, Countryside Estates Addition to the City of Kearney, Buffalo County, Nebraska (515 East 56th Street) and consider Ordinance No. 8494.

Joshua and Lisa Miller presented this matter to the Council. Mr. and Mrs. Miller run a daycare in the building currently located on the property; they would like to expand their

daycare by adding an additional building. Mr. and Mrs. Miller also plan on expanding their current playground.

Mayor Clouse asked if all of the additions discussed will be located south of the current parking lot? Mrs. Miller stated they would be.

Council Member Randy Buschkoetter questioned if any parking would be added to accommodate the new building? Mrs. Miller stated additional parking would not be required; the daycare currently has 41 parking stalls.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Joshua and Lisa Miller for Table Acres Properties, LLC and introduced Ordinance No. 8494 to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O, Office District for property described as Lot 28, Block 7, Countryside Estates Addition to the City of Kearney, Buffalo County, Nebraska (515 East 56th 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 Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8494. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8494 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8494 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8494 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.

### **REZONE PROPERTY LOCATED AT 3995 COAL CHUTE ROAD**

Mayor Clouse opened the public hearing on the Application submitted by Kurt Karjalainen for Premier Merchants Group LLC to rezone from District C-3, General Commercial District to District BP/PD, Business Park/Planned Development Overlay District for property described as Lot 2, Blessing Premier Subdivision, a subdivision being part of Government Lot 8 located in the Northeast Quarter of Fractional Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3995 Coal Chute Road) and consider Ordinance No. 8495.

Kurt Karjalainen presented this matter to the Council. Mr. Karjalainen stated he is requesting the property be rezoned for future development of the property.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the application submitted by Kurt Karjalainen for Premier Merchants Group LLC and introduced Ordinance No. 8495 to rezone from District C-3, General Commercial District to District BP/PD, Business Park/Planned Development Overlay District for property described as Lot 2, Blessing Premier Subdivision, a subdivision being part of Government Lot 8 located in the Northeast Quarter of Fractional Section 5, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3995 Coal Chute Road) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8495. 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, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8495 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8495 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8495 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.

**REZONE PROPERTY LOCATED SOUTH OF 39TH STREET, EAST OF AVENUE W, NORTH OF GRAND AVENUE**

Brenda Jensen, Development Services Director, stated there was not a presenter for Public Hearings 4 through 8, in attendance of the meeting.

Council Member Jonathan Nikkila suggested that Public Hearings 4 through 8 be postponed to the next Council meeting.

Moved by Nikkila, seconded by Moore to postpone Public Hearing 4 until June 22, 2021 the application submitted by Danny Starostka for Starostka Group Unlimited and introduced Ordinance No. 8496 to rezone from District AG, Agricultural District and 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 part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**FINAL PLAT AND SUBDIVISION AGREEMENT FOR MILLENNIAL ESTATES FIFTH ADDITION**

Moved by Nikkila, seconded by Moore to postpone Public Hearing 5 until June 22, 2021 the application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**ANNEXATION OF MILLENNIAL ESTATES FIFTH ADDITION**

Moved by Nikkila, seconded by Moore to postpone Public Hearing 6 until June 22, 2021 the application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED SOUTH OF 39TH STREET, EAST OF AVENUE W, NORTH OF GRAND AVENUE**

Moved by Nikkila, seconded by Moore to postpone Public Hearing 7 until June 22, 2021 the application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for the proposed construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 11TH STREET AND ANTELOPE AVENUE**

Public Hearings 8, 9, 10 and 11 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust for an amendment to the Land Use Map of the City

of Kearney Comprehensive Development Plan from Neighborhood Mixed Use and Office/Commercial Retail Mixed Uses to Office/Commercial Retail Mixed Uses for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue) and consider Resolution No. 2021-95.

Craig Bennett with Miller & Associates presented this matter to the Council. Mr. Bennett stated the property owners are requesting the future Land Use Map be amended to show the 26.17 acre tract as MU2 which matches adjacent property. There is a well located on the west side of the property, a residential house located to the north and two (2) residential houses to the east of the property, one of which will be raised. Dedication of half of Antelope Avenue will be included with this development. Mr. Bennett explained that drainage for the property is mainly from west to east, with some drainage to the south. Mr. Bennett further explained where the water main and sanitary sewer main are located for access for the property. The rezoning request includes the entire 26.17 acres which encompasses to the center line 11th Street, out to the east edge of the proposed Antelope Avenue and out to the west edge of half of the future Avenue X. The Final Plat contains one (1) lot, all of which is not in a flood zone.

Mr. Bennett stated the development plan shows a proposed 350,000 square-foot warehouse with a possible 70,000 square-foot addition to be added in the future. Mr. Bennett explained the traffic flow when entering and exiting the property and also identified the location of a staging area for trucks to line up and stack on the property. Loading docks will be located on the north side of the warehouse along with two (2) at grade ramps; employee parking will be located on the east side of the building with future parking located on the southeast corner of the property. Mr. Bennett demonstrated the fire truck turning movement on the lot and the infrastructure feasibility plan. The landscape plan includes a 50-foot buffer of which the majority will be irrigated and will also provide screening. Mr. Bennett reviewed the building elevations, the building floor plan and the office area floor plan. Mr. Bennett reviewed the five (5) deviations requested and noted the Developer had initially requested a 5% reduction on the north side of the building and a 100% reduction on the west and east side of the building regarding the masonry requirement. Because Planning Commission did not agree with the requested reduction percentages the Developer removed their request to the masonry requirement deviation and will meet the masonry requirement for the north, west and east sides of the warehouse.

Council Member Buschkoetter asked what triggers the requirement for the future off-street parking stalls? Mr. Bennett explained the parking proposed for the current development will meet parking requirements for the building being proposed; when future building development occurs, more parking will also be required.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2021-95 approving the application submitted by Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Neighborhood Mixed Use and Office/Commercial Retail Mixed Uses to Office/Commercial Retail Mixed Uses for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2021-95**

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at an aluminum cap at the Northeast Corner of the Northeast Quarter of Section 7; thence N 89°21'02" W on the North line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 1298.34 feet; thence S 01°04'03" W a distance of 845.50 feet to a 5/8" rebar w/cap; thence S 89°21'02" E parallel with the North line of said Northeast Quarter a distance of 1298.49 feet to a 5/8" rebar w/cap on the East line of said Northeast Quarter and the West line of Government Lot 1 in Section 8; thence continuing S 89°21'02" E a distance of 50.00 feet to a 5/8" rebar w/cap; thence N 01°03'27" E parallel with the West line of said Government Lot 1 a distance of 845.70 feet to the North line of said Government Lot 1; thence N 89°34'58" W on said North line a distance of 50.00 feet to the Point of Beginning, containing 26.17 acres more or less, all in Buffalo County, Nebraska from Neighborhood Mixed Use and Office/Commercial Retail Mixed Uses to Office/Commercial Retail Mixed Uses; and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Neighborhood Mixed Use and Office/Commercial Retail Mixed Uses to Office/Commercial Retail Mixed Uses the use classification for a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at an aluminum cap at the Northeast Corner of the Northeast Quarter of Section 7; thence N 89°21'02" W on the North line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 1298.34 feet; thence S 01°04'03" W a distance of 845.50 feet to a 5/8" rebar w/cap; thence S 89°21'02" E parallel with the North line of said Northeast Quarter a distance of 1298.49 feet to a 5/8" rebar w/cap on the East line of said Northeast

Quarter and the West line of Government Lot 1 in Section 8; thence continuing S 89°21'02" E a distance of 50.00 feet to a 5/8" rebar w/cap; thence N 01°03'27" E parallel with the West line of said Government Lot 1 a distance of 845.70 feet to the North line of said Government Lot 1; thence N 89°34'58" W on said North line a distance of 50.00 feet to the Point of Beginning, containing 26.17 acres more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 11TH STREET  
AND ANTELOPE AVENUE**

Public Hearings 8, 9, 10 and 11 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust to rezone from District AG, Agricultural District to District BP/PD, Business Park/Planned Development Overlay District for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue) and consider Ordinance No. 8497.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the application submitted by Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust and introduced Ordinance No. 8497 to rezone from District AG, Agricultural District to District BP/PD, Business Park/Planned Development Overlay District for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue) 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. 8497. 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, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8497 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8497 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8497 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.

### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR 4 SUNS SUBDIVISION**

Public Hearings 8, 9, 10 and 11 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust for the Final Plat and Subdivision Agreement for 4 Suns Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in 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 Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue) and consider Resolution No. 2021-96.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-96 approving the Final Plat and Subdivision Agreement for 4 Suns Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in 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 Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2021-96**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of 4 Suns Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at an aluminum cap at the Northeast Corner of the Northeast Quarter of Section 7; thence N 89°21'02" W on the North line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 1298.34 feet; thence S 01°04'03" W a distance of 845.50 feet to a 5/8" rebar w/cap; thence S 89°21'02" E

parallel with the North line of said Northeast Quarter a distance of 1298.49 feet to a 5/8" rebar w/cap on the East line of said Northeast Quarter and the West line of Government Lot 1 in Section 8; thence continuing S 89°21'02" E a distance of 50.00 feet to a 5/8" rebar w/cap; thence N 01°03'27" E parallel with the West line of said Government Lot 1 a distance of 845.70 feet to the North line of said Government Lot 1; thence N 89°34'58" W on said North line a distance of 50.00 feet to the Point of Beginning, containing 26.17 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 terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 11TH STREET AND ANTELOPE AVENUE**

Public Hearings 8, 9, 10 and 11 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust for Planned District Development Plan Approval for the proposed construction of a commercial warehouse on property to be zoned District BP/PD, Business Park/Planned Development Overlay District and described as Lot 1, 4 Suns Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue) and consider Resolution No. 2021-97.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-97 approving the application submitted by Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust for Planned District Development Plan Approval for the proposed construction of a commercial warehouse on property to be zoned District BP/PD, Business Park/Planned Development Overlay District and described as Lot 1, 4 Suns Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of

Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2021-97**

WHEREAS, Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust have applied for Planned District Development Plan Approval for the construction of a commercial warehouse on property to be zoned District BP/PD, Business Park/Planned Development Overlay District and described as Lot 1, 4 Suns Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates and Levi Arneson for Two Sisters' Farm, Inc. and Steven Mercer, Trustee of the Steven Mercer Revocable Trust for Planned District Development Plan Approval for the construction of a commercial warehouse on property zoned District BP/PD, Business Park/Planned Development Overlay District and described as Lot 1, 4 Suns Subdivision, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 7 and part of Government Lot 1 in Section 8, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 11th Street and Antelope Avenue) be approved subject to the following deviations:

1. Substitution for the building offset of every 100-foot requirement.
2. Reduction and delay for installing the required off-street parking stalls.
3. Delay in the required construction of Antelope Avenue.
4. Delay in the installation of X Avenue's paving, storm drainage, and sanitary sewer infrastructure.
5. Delay in sidewalk installation.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **IV. CONSENT AGENDA**

Mayor Clouse removed Subsection 8 of Consent Agenda as it was subject to approval of Public Hearings 4 through 8 which were postponed to June 22, 2021. Therefore, Subsection 8 of Consent Agenda was postponed to June 22, 2021.

Moved by Moore seconded by Lear that Subsections 1 through 7 and 9 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held May 25, 2021.

2. Approve the following Claims:

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

Ag Dryer \$8,530.00 co; Agri-Coop \$727.31 smcs; All City Garage Door \$3,038.25 smcs; Amazon \$841.00 smcs; Animal Shelter \$20,600.00 smcs; Aurora Coop \$56.48 smcs; Arrow Seed \$3,070.50 smcs; Ask Supply \$1,015.32 smcs; AvFuel \$5,100.00 smcs; B&B Technologies \$112.84 smcs; Baird Holm \$6,367.50 smcs; Baker & Taylor \$2,812.22 smcs; Blackstone Publishing \$32.49 smcs; BlueCross BlueShield \$148,344.72 smcs; Bosselman \$20,791.07 smcs; Bridgett Lavene Consulting \$2,500.00 smcs; Buffalo Co. Sheriff \$241.00 smcs; Builders \$2,133.03 smcs,co; Cash-Wa \$12,986.46 smcs; Center Point Large Print \$75.96 smcs; Chesterman \$2,409.80 smcs; Christiansen,D \$5.17 smcs; Cigna \$9,934.70 smcs; City of Ky \$433,209.93 smcs,ps; City of Ky CRA \$91,222.80 smcs; Clint Smith Graphics \$2,662.50 co; Colling,L \$100.00 smcs; Comm. Action Partnership \$450.00 smcs; Community Health \$48.00 ps; Community Service Fund \$52.00 ps; Compute North \$57,170.88 smcs; Copycat \$7.40 smcs; Country Partners \$22,537.07 smcs; Crane River Theater \$600.00 smcs; Credit Management \$101.08 ps; Crouch Recreation \$40,050.00 co; Crystal Clean \$124.00 smcs; Custom Screenprint \$30.00 smcs; Cutting Edge Cleaning \$110.00 smcs; Dan's Plumbing \$122.61 smcs; Depository Trust \$757,811.25 ds; Deterding's \$12,515.72 smcs; Dons Pioneer Uniforms \$818.56 smcs; Double J Plumbing \$1,273.83 smcs; Dowhy Towing \$85.00 smcs; Eagle Distributing \$1,584.00 smcs; Eakes \$701.05 smcs,co; Estrada,E \$13.43 smcs; Evans,D \$68.77 smcs; F&A Concrete \$13,000.00 co; Family Practice \$550.00 ps; Family Suite Learning \$26.00 smcs; Fedex \$57.10 smcs; Felsburg Holt & Ullevig \$2,302.52 smcs; Fredericks,C \$187.50 smcs; Fry & Associates \$1,000.00 co; Gale \$1,000.41 smcs; Great Plains Uniforms \$3,524.50 smcs; Greater NE Cities \$1,000.00 smcs; HM Life \$58,874.42 smcs; Hobby-Lobby \$117.66 smcs; Hometown Leasing \$159.08 smcs; ICMA \$6,215.52 ps; IRS \$175,050.39 ps; Jack's Uniforms \$3,995.78 smcs; JCB Delivery \$84.00 smcs; Johnson Brothers \$606.00 smcs; Ky Hub \$1,050.92 smcs; Ky Noon Rotary \$140.00 smcs; Kirsch,K \$2.84 smcs; Konica \$645.79 smcs; Lawn Builders \$2,664.13 smcs; Magic Cleaning \$5,960.00 smcs; Marlatt Machine \$5,934.14 co; Mead Lumber \$139.98 co; Midlands Contracting \$303,594.36 co; Midwest Connect \$8,401.59 smcs; Midwest Petroleum \$9,300.00 smcs; Midwest Turf \$31,027.77 co; Milco Environmental \$3,517.55 smcs; Miller & Associates \$11,544.90 co; Miller Signs \$200.00 smcs; Miracle Recreation \$42.31 co; Motorola Solutions \$172,000.00 co; Municipal Supply \$14,001.35 smcs; Murillo,M \$27.43 smcs; NE Child Support \$1,517.12 ps; NE Dept Environment \$446,306.48 smcs; NE Dept. Revenue \$58,046.77 ps; NE Law Enforcement \$360.00 smcs; NE Public Health \$2,501.00 smcs; NE Safety & Fire \$205.00 smcs; NE Society of CPAs \$155.00 smcs; NE Title \$230,941.00 co; Nebraskaland Distributors \$3,292.55 smcs; Northwestern Energy \$2,736.88 smcs; Oak Creek Engineering \$2,092.07 co; One Call Concepts \$515.48 smcs; Osborn,T \$31.50 smcs; Paramount \$31.26 smcs; Pargas,R \$28.82 smcs; Payflex \$552.50 smcs,ps; Pep Co \$87.34 smcs; Powers,S \$42.99 smcs; Presto-X \$184.00 smcs; Quality Memorials \$1,400.00 smcs; Quinn,J \$150.00 smcs; RDG Planning \$18,708.71 co; Reinke's Heating \$158.92 smcs; Rourke Educational \$283.10 smcs; Sams,J \$2.10 smcs; Sawyers,M \$19.79 smcs; Scherbarth,H \$46.27

smcs; Schriener,D \$100.00 smcs; See Clear Cleaning \$346.00 smcs; Sherwin Williams \$388.20 smcs; Shredding Solutions \$81.15 smcs; Southern Glazers \$220.00 smcs; Steinbrink's \$7,029.98 smcs; Stitch 3 \$536.00 ps; Strategic Insights \$750.00 smcs; Stutsman \$3,843.00 smcs; Superior \$140,505.02 smcs; Tillotson Enterprises \$1,331.00 smcs; Trade Well Pallet \$1,700.00 smcs; Turfwerks \$2,848.06 smcs; Turner Body \$1,455.04 smcs; Tye & Rowling \$14,739.24 smcs; UL \$6,445.50 smcs; Union Bank & Trust \$87,557.22 ps; Union Pacific \$779.61 smcs; United Way \$268.76 ps; US Postmaster \$388.00 smcs; Village Uniform \$237.89 smcs; Waldinger \$1,713.86 smcs; Ward Laboratories \$95.00 co; Western NRG \$3,968.64 smcs; White,A \$5.17 smcs; Wilke Contracting \$28,066.15 co; Young,M \$661.30 smcs; Payroll Ending 05/22/21 -- \$547,102.09. 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. 2021-98 approving the Developer Constructed Infrastructure Agreement for Oak Park Center Second, an addition to the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Rodney Wiederspan, Co-Manager of Sorensen Acres, LLC, a Nebraska Limited Liability Company for the construction of paving and storm sewer main improvements to serve Oak Park Center Second, an addition to the City of Kearney, Buffalo County, Nebraska.

#### **RESOLUTION NO. 2021-98**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Oak Park Center Second, an addition to the City of Kearney, Buffalo County, Nebraska" between the City of Kearney and Rodney K. Wiederspan, Co-Manager of Sorensen Acres, LLC, a Nebraska Limited Liability Company, for the construction of paving and a storm sewer main to serve Oak Park Center Second, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

4. Approve the recommendations from the Development Services Division on extending the current licenses for L&M Properties (1110 Central Avenue), and East Lawn Mobile Homes Estates (2900 and 3010 Grand Avenue) an additional 30 days to correct the deficiencies and the annual renewal of Cornhusker Trailer Court (1115 Avenue C) manufactured home court license until May 31, 2022.

5. Adopt Resolution No. 2021-99 approving Application for Payment No. 3 in the amount of \$197,299.40 submitted by Nielsen Contracting and approved by Miller & Associates for 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving).

**RESOLUTION NO. 2021-99**

WHEREAS, Nielsen Contracting of Kearney, Nebraska has performed services in connection with 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$197,299.40 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 379,418.50</u>
Contract Sum To Date	379,418.50
Gross Amount Due	351,023.50
Retainage (10%)	<u>- 35,102.35</u>
Amount Due to Date	315,921.15
Less Previous Certificates for Payment	<u>118,621.75</u>
Current Payment Due	\$ 197,299.40

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. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2021-100 approving Application for Payment No. 3 in the amount of \$126,058.37 submitted by Midlands Contracting Inc. and approved by Miller & Associates for the 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1.

**RESOLUTION NO. 2021-100**

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$126,058.37 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 561,015.00</u>
Contract Sum To Date	561,015.00
Gross Amount Due	552,260.00
Retainage (10%)	<u>- 27,613.00</u>

Amount Due to Date	524,647.00
Less Previous Certificates for Payment	<u>398,588.63</u>
Current Payment Due	\$ 126,058.37

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. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2021-101 approving Application for Payment No. 1 in the amount of \$62,159.26 submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004.

#### RESOLUTION NO. 2021-101

WHEREAS, Blessing Construction, LLC of Kearney, Nebraska has performed services in connection with 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$62,159.26 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,666,533.00</u>
Contract Sum To Date	2,666,533.00
Gross Amount Due	69,065.84
Retainage (10%)	<u>- 6,906.58</u>
Amount Due to Date	62,159.26
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$ 62,159.26

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. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

POSTPONED TO JUNE 22, 2021. 8. Adopt Resolution No. 2021-102 approving the Developer Constructed Infrastructure Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska

Corporation for the construction of paving, water main, sanitary sewer main and storm sewer main improvements to serve Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

9. Adopt Resolution No. 2021-103 approving the Property Maintenance and Lease Agreement between the City of Kearney and Tyler Kenney for an approximate 6-acre parcel of property located South of 115th Road and East of Poole Avenue.

**RESOLUTION NO. 2021-103**

WHEREAS, the City owns a parcel of property consisting of approximately 6-acres to be used for law enforcement training; and

WHEREAS, a portion of this property can be farmed and needs to be maintained for weed control; and

WHEREAS, the City and Tyler Kenney will enter into a 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 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 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

10. Adopt Resolution No. 2021-104 approving Change Order No. 2 showing an increase in the amount of \$1,538.53, Application for Payment No. 1-Final in the amount of \$107,288.53 and accept the Certificate of Substantial Completion as submitted by Safe Slide Restoration for the restoration of the Harmon Park Pool Slide.

**RESOLUTION NO. 2021-104**

WHEREAS, Safe Slide Restoration, from Fredickstown, Missouri has performed services in connection with the restoration of the Harmon Park Pool Slide, and City staff has filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$1,538.53 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

WHEREAS, Safe Slide Restoration, City staff has filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$107,288.53 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$184,300.00
Change Order No. 1 (9/22/2020)	+ 13,600.00
Change Order No. 2 (6/8/2021)	+ <u>1538.53</u>
Contract Sum To Date	199,438.53
Gross Amount Due	199,438.53
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	199,438.53

Less Previous Certificates for Payment (Paid on 8/11/2020 Claims)	92,150.00
Current Payment Due	<u>\$107,288.53</u>

WHEREAS, the City staff, the Engineer and the Contractor have now certified to the City Clerk that work is completed as of May 24, 2021, 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. 2, as shown on Exhibit “A”, Application and Certificate for Payment No. 1-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 8TH DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Adopt Resolution No. 2021-105 approving Change Order No. 2 showing an increase in the amount of \$18,314.00 submitted by Paulsen, Inc. and approved by Alfred Benesch and Company for AIP Project No. 3-31-0045-032 in connection with the Taxiway ‘A’ & Connecting Taxiway Rehabilitation project at the Kearney Regional Airport.

**RESOLUTION NO. 2021-105**

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with Taxiway ‘A’ and Connecting Taxiways Rehabilitation (AIP 3-31-0045-032) at the Kearney Regional Airport, and the City's engineer, Alfred Benesch and Company, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$18,314.00 (contingent upon FAA concurrence/approval) as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows;

Original Contract Sum	\$ 6,070,824.60
Change Order No. 1 (9-8-2020)	- 30,400.00
Change Order No. 2 (6-8-2021)	<u>+ 18,314.00</u>
Total New Revised Contract Amount	\$ 6,058,738.60

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. 2, as shown on Exhibit “A” be and is hereby accepted and approved (contingent upon FAA concurrence/approval).

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2021.

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 FOR QUIET LIVING, LLC FOR PROPERTY LOCATED EAST OF CENTRAL AVENUE AND SOUTH OF LANDON STREET**

Mayor Clouse opened for discussion consideration of Resolution No. 2021-106 approving the redevelopment project submitted by Quiet Living, LLC for Redevelopment Area #2 for an area described as the East 16-feet of Lot 67, all of Lot 68 and the West 42-feet of Lot 69, Riverside Addition to the City of Kearney, Buffalo County, Nebraska (East of Central Avenue and South of Landon Street).

Wendell Wessels, Finance Director presented this matter to the Council. Mr. Wessels stated Quiet Living, LLC is considering constructing a 7,200 square foot masonry building that would be used for large storage. The proposed large storage building would be located on the south side of Landon Street.

The total new valuation of the property upon completion is estimated to be \$345,800; the current value of the property is \$51,130. Therefore, the incremental valuation is estimated to be \$294,670. Based on current tax levies, the annual real estate taxes upon total completion is estimated to be \$5,398. However, the increment in real estate taxes during the first year or two will be less due to lower valuations during construction of the Project.

The Developer is asking for Project Costs totaling \$58,058 from Tax Increment Financing (“TIF”) as follows:

Site preparation	\$15,000
Seeding/irrigation	\$5,900
Utilities - electrical	\$2,515
Public parking facilities	\$33,143
Lighting	\$1,500
<b>Total</b>	<b>\$58,058</b>

On May 26, 2021 CRA approved the project; City staff also recommends approval and granting the project 90% of the annual increment in real estate taxes, not to exceed the lessor of \$58,058 or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2021.

Moved by Lear seconded by Buschkoetter finding that the redevelopment project set forth in the application submitted by Quiet Living, 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 \$58,058, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2021 and to adopt Resolution No. 2021-106 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Quiet Living, LLC. Roll call resulted as follows: Aye:

Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2021-106**

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #2 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as the East 16-feet of Lot 67, all of Lot 68 and the West 42-feet of Lot 69, Riverside Addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 605108000); 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 East 16-feet of Lot 67, all of Lot 68 and the West 42-feet of Lot 69, Riverside Addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 605108000); 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 East 16-feet of Lot 67, all of Lot 68 and the West 42-feet of Lot 69, Riverside Addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 605108000); 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 8TH DAY OF JUNE, 2021.

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