

*Kearney, Nebraska  
July 13, 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 July 13, 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 Morgan, City Manager; 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**

Mayor Clouse and Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **DEVELOPMENT OF OAK PARK CENTER THIRD**

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Oak Park Development, LLC for (1) the vacation of Lot 3 and Lot 4, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8504; and (2) the Final Plat and Subdivision Agreement for Oak Park Center Third, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 3 and Lot 4 (to be vacated), Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska and being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 54th Street and 2nd Avenue) and consider Resolution No. 2021-112.

Chad Dixon with Miller and Associates presented this matter to the Council. Mr. Dixon described the location of the project and noted the existing Land Use is MU-2; zoning is C-2. When Oak Park Center Second was platted the line on the west side of 2nd Avenue was inadvertently platted incorrectly. Oak Park Center Third corrects the placement of the line on the west side of 2nd Avenue and also moves the previously platted lot line between Lots 3 and 4, Oak Park Center (requested to be vacated). Additionally, during the development process, developers noticed the sidewalk on the south side of 54th Street encroached in to proposed Lot 2 of Oak Park Center Third Addition; the proposed plat shows the adjustment to the east side of the sidewalk placing it inside the perimeter roadway utility easement. Oak Park Center Third will include two (2) lots.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Applications submitted by Miller & Associates for Oak Park Development, LLC and introduced Ordinance No. 8504 vacating Lot 3 and Lot 4, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska 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 Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8504. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8504 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8504 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8504 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.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2021-112 approving Final Plat and Subdivision Agreement for Oak Park Center Third, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 3 and Lot 4 (to be vacated), Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska and being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest Corner of 54th Street and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2021-112**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Oak Park Center Third, an addition to the City of Kearney, Buffalo County, Nebraska being Lot 3 and Lot 4 (now vacated), Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska and being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: COMMENCING at a corner box at the Northeast Corner of the Northeast Quarter of Section 26; thence S 00°22'13" W on the East line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 661.40 feet; thence N 89°44'43" W a distance of 71.36 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 1, Oak Park Center Second, an addition to the City of Kearney and on the West Right-of-Way line of 2nd Avenue and the POINT OF BEGINNING; thence S 00°34'45" E on the West Right-of-Way line of said 2nd Avenue a distance of 407.63 feet to a 5/8" rebar w/cap; thence continuing on said West Right-of-Way line N 89°57'16" E a distance of 14.60 feet to a 5/8" rebar w/cap; thence S 00°22'13" W parallel with and 50.00 feet Westerly, as measured at right angles, of said East line of the Northeast Quarter a distance of 27.03 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 2, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°37'47" W on the North line of said Lot 2 a distance of 350.03 feet to a chiseled "+" on the East line of Lot 1 of said Oak Park Center and at the Northwest corner of said Lot 2; thence Northeasterly on said East line of Lot 1 and on a non-tangent curve to the Right having a central angle of 18°10'17", a radius of 199.28 feet, an arc length of 63.20 feet, and a chord bearing of N 09°27'21" E a distance of 62.94 feet to a chiseled "+"; thence N 18°32'30" E on said East line of Lot 1 a distance of 41.59 feet to a chiseled "+"; thence Northeasterly on said East Line of Lot 1 and on a tangent curve to the Left having a central angle of 18°10'41", a radius of 199.10 feet, an arc length of 63.17 feet, and a chord bearing of N 09°27'09" E a distance of 62.90 feet to a chiseled "+"; thence N 00°21'49" E on said East line of Lot 1 a distance of 270.12 feet to a Mag nail at the Southwest corner of said Lot 1, Oak Park Center Second; thence S 89°44'43" E on the South line of said Lot 1, Oak Park Center Second a distance of 295.93 feet to the Point of Beginning, containing 3.06 acres, more or less (133120 square feet, more or less), all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance

with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**PROPOSED ACQUISITION OF A PERMANENT RIGHT OF WAY & UTILITY EASEMENT AND OF A DEDICATED SANITARY SEWER EASEMENT**

Mayor Clouse opened the public hearing on the proposed acquisition of 1) a tract of land being part of the East Half of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for a 66.00-foot wide Permanent Right of Way & Utility Easement purposes from Butler Machinery Company, Inc., a North Dakota Corporation and consider Resolution No. 2021-113; and 2) a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Sanitary Sewer Easement purposes from Butler Machinery Company, Inc., a North Dakota Corporation and consider Resolution No. 2021-114.

Tony Jelinek, Director of Utilities presented this matter to the Council. Mr. Jelinek stated when constructing Butler Ag, two (2) easements were needed: one (1) was for the sanitary sewer along 56th Street and the other was a permanent right-of-way utility easement for the future Chase Avenue and infrastructure being built to the south to serve the Butler Addition project.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to adopt Resolution No. 2021-113 approving the acquisition of a tract of land being part of the East Half of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for a 66.00-foot wide Permanent Right of Way & Utility Easement purposes from Butler Machinery Company, Inc., a North Dakota Corporation and to adopt Resolution No. 2021-114 approving the acquisition of a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Sanitary Sewer Easement

purposes from Butler Machinery Company, Inc., a North Dakota Corporation. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**RESOLUTION NO. 2021-113**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Butler Machinery Company, Inc., a North Dakota Corporation, have granted to the City of Kearney, Nebraska a Sanitary Sewer Easement as follows:

**SANITARY SEWER EASEMENT**

A tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Sanitary Sewer Easement purposes: Commencing at the Northeast Corner of the Northeast Quarter of Section 29; thence N 89°26'00" W on the North line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 751.77 feet to the Westerly Right of Way line of Kearney East Expressway; thence S 00°18'33" W on said Westerly Right of Way a distance of 33.07 feet to the South Right of Way line of 56th Street and the POINT OF BEGINNING; thence S 75°21'50" E continuing on said South Right of Way line a distance of 121.29 feet; thence N 89°26'00" W parallel with the North line of said Northeast Quarter a distance of 135.13 feet; thence N 00°07'19" E a distance of 29.49 feet to said South Right of Way Line of 56th Street; thence S 89°26'00" E on said South Right of Way line a distance of 17.71 feet to the Point of Beginning, containing 0.05 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Sanitary Sewer Easement granted by Butler Machinery Company, Inc., a North Dakota Corporation, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**RESOLUTION NO. 2021-114**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real

property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a 66.00-Foot Permanent Right of Way and Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Butler Machinery Company, Inc., a North Dakota Corporation, have granted to the City of Kearney, Nebraska a 66.00-Foot Permanent Right of Way and Utility Easement as follows:

#### 66.00-FOOT PERMANENT RIGHT OF WAY AND UTILITY EASEMENT

A tract of land being part of the East Half of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for a 66.00-foot wide Permanent Right of Way & Utility Easement purposes: Commencing at the Northeast Corner of the Northeast Quarter of Section 29; thence N 89°26'00" W on the North line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 769.58 feet; thence S 00°07'19" W a distance of 33.07 feet to the South Right of Way line of 56th Street and the POINT OF BEGINNING; thence continuing S 00°07'19" W a distance of 808.64 feet; thence Southwesterly on a tangent curve to the Right having a central angle of 26°42'41", a radius of 1033.00 feet, an arc length of 481.59 feet, and a chord bearing of S 13°28'40" W a distance of 477.24 feet; thence S 26°50'01" W a distance of 206.75 feet; thence Southwesterly on a tangent curve to the Left having a central angle of 18°36'42", a radius of 967.00 feet, an arc length of 314.11 feet, and a chord bearing of S 17°31'40" W a distance of 312.73 feet; thence S 08°13'19" W a distance of 147.33 feet to the Westerly extension of the North line of Lot 1, Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°28'59" W on the Westerly extension of said North line of Lot 1, Butler Addition; thence N 08°13'19" E a distance of 156.26 feet; thence Northeasterly on a tangent curve to the Right having a central angle of 18°36'42", a radius of 1033.00 feet, an arc length of 335.55 feet, and a chord bearing of N 17°31'40" E a distance of 334.08 feet; thence N 26°50'01" E a distance of 206.75 feet; thence Northeasterly on a tangent curve to the Left having a central angle of 26°42'41", a radius of 967.00 feet, an arc length of 450.82 feet, and a chord bearing of N 13°28'40" E a distance of 446.75 feet; thence N 00°07'19" E a distance of 809.15 feet to the South line of said 56th Street; thence S 89°26'00" E on said South line and parallel with the North line of said Northeast Quarter a distance of 66.00 feet to the Point of Beginning, containing 2.97 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the 66.00-Foot Permanent Right of Way and Utility Easement granted by Butler Machinery Company, Inc., a North Dakota Corporation, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**PROPOSED ACQUISITION OF A PERMANENT STORM SEWER EASEMENT**

Mayor Clouse opened the public hearing on the proposed acquisition of a Permanent Storm Sewer Easement being a strip of land being 20.0 feet in width being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska from NP Land Development, Inc., a Nebraska Corporation and consider Resolution No. 2021-115.

Andy Harter, Director of Public Works presented this matter to the Council. The original project included a dedicated storm sewer easement; however, due to some redesigning, the storm sewer needed to be relocated to the unplatted property. Because of the relocation, the storm sewer easement needed to be rededicated for access at a future date.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-115 approving the proposed acquisition of a Permanent Storm Sewer Easement being a strip of land being 20.0 feet in width being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska from NP Land Development, Inc., a Nebraska Corporation. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2021-115**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Storm Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, NP Land Development, Inc., a Nebraska Corporation, have granted to the City of Kearney, Nebraska a Permanent Storm Sewer Easement as follows:

**PERMANENT STORM SEWER EASEMENT**

A strip of land being 20.0 feet in width being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with the centerline of said strip of land being 10.0 feet on each side of the following described centerline: Referring to the Northeast Corner of the Southeast Quarter of Section 24, said point also being the Northeast Corner of Stoneridge Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the North line of the Southeast Quarter of Section 24 as bearing S 89°31'04" W and all bearings contained

herein are relative thereto; thence on the North line of said Southeast Quarter of Section 24 and on the North line of said Stoneridge Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and on the North line of Stoneridge Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and on the North line of Stoneridge Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, S 89°31'04" W a distance of 1081.00 feet to the Northwest Corner of Lot 1, Block One, Stoneridge Tenth Addition; thence leaving the North line of the Southeast Quarter of said Section 24, and on the West line of said Lot 1, Block One, Stoneridge Tenth Addition, S 44°42'07" E a distance of 187.19 feet to the Southwest Corner of said Lot 1, Block One, Stoneridge Tenth Addition, said point being on a non-tangent 50.0 foot radius curve for the cul-de-sac right-of-way of Avenue K Place, a street as shown on the plat and dedication of Stoneridge Tenth Addition; thence southerly on said curve of the cul-de-sac for Avenue K Place, forming a central angle of 45°44'29" an arc distance of 39.92 feet to the ACTUAL PLACE OF BEGINNING; thence leaving the westerly line of said curve for the cul-de-sac right-of-way of Avenue K Place, non-tangent, S 89°29'41" W a distance of 199.0 feet; thence S 44°29'41" W a distance of 45.9 feet to the point of termination, the sideline of the aforescribed strip of land to be extended or shortened as necessary to begin on the westerly line of the curve for the cul-de-sac right-of-way of Avenue K Place, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Storm Sewer Easement granted by NP Land Development, Inc., a Nebraska Corporation, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

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

Moved by Nikkila seconded by Moore that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held June 22, 2021 and Minutes of Special Meeting held July 6, 2021.
2. Approve the following Claims:
 

PS	Personnel Services
SMCS	Supplies, Materials & Contractual Services
ER	Equipment Rental

CO	Capital Outlay
DS	Debt Service

Ace Irrigation \$453.90 smcs; Adamson,T \$8.00 smcs; Agri Coop \$355.89 smcs; Alfred Benesch \$127,121.05 co; All City Garage Door \$7,376.00 smcs; American Fence \$12,090.00 smcs; Ask Supply \$2,282.61 smcs; Aurora Coop \$57.28 smcs; AV Fuel \$24,814.88 smcs; Baker & Taylor Books \$4,868.26 smcs; Barco Municipal \$3,807.00 smcs; Bender,T \$85.00 smcs; Big Rack Shack \$2,830.00 co; Blackstone \$1,039.47 smcs; Blessing \$26,966.00 co; BlueCross/BlueShield \$304,693.91 smcs; Bosselman \$50,696.31 smcs; Bridgett Lavene \$5,833.00 smcs; Buffalo Co Sheriff \$195,593.02 smcs; Builders \$13.44 smcs; Capstone \$265.85 smcs; Carquest \$207.20 smcs; Cash Wa \$9,738.44 smcs; Center Point \$75.96 smcs; Chesterman \$3,955.15 smcs; Cigna \$8,115.98 smcs; City of Ky \$456,479.94 smcs,ps; Comm Act Part of Mid NE \$518.00 smcs; Comm. Health Agencies \$48.00 ps; Comm. Service Fund \$52.00 ps; Commercial Recreation \$365.38 smcs; Compute North \$67,426.68 smcs; Construction Rental \$452.00 co; Cook Construction \$13,000.00 smcs; Cornhusker Cleaning \$71.18 smcs; Cottonmill Enterprises \$550.00 co; Country Clinic \$295.00 ps; Country Partners \$22,349.29 smcs; Crane River Theater \$1,132.50 smcs; Creative Sites \$858.00 smcs; Credit Mgmt. Services \$101.08 ps; Cummins \$5,222.74 smcs; Cutting Edge Cleaning \$215.00 smcs; D & M Security \$70.50 smcs; Dan's Plumbing \$3,043.72 co; Dennis,N \$716.30 smcs; Depository Trust \$363,317.50 ds; Dish \$109.12 smcs; DPC Industries \$15,177.99 smcs; Eagle Distributing \$1,763.95 smcs; Eakes \$4,163.90 smcs,co; EMC Insurance \$1,753.42 smcs; Epley,E \$170.35 smcs; Eustis Body Shop \$2,454.00 smcs; Evers,B \$603.75 smcs; Feld Fire \$2,995.78 smcs; Flynn,B \$756.12 smcs; Frontier \$7,858.24 smcs; Gale \$430.35 smcs; Gangwish Turf \$126.00 smcs; Gear for Sports \$333.57 smcs; Greater NE Cities \$1,000.00 smcs; Greenquist,J \$6.00 smcs; HM Life Insurance \$58,698.09 smcs; Holy Cross Lutheran \$60.00 smcs; Hotsy Equipment \$144.42 smcs; ICMA \$6,228.14 ps; Ignite Olive Software \$4,725.60 smcs; IRS \$183,799.58 ps; Jack's Uniforms \$164.34 smcs; Jackson Services \$294.42 smcs; JCB Delivery \$229.00 smcs; Johnson Controls \$146.35 smcs; Johnson,J \$50.00 smcs; Ky Animal Shelter \$10,300.00 smcs; Ky Concrete \$112.75 smcs; Konica Minolta \$354.04 smcs; Kratzer,B \$31.00 smcs; Landmark Implement \$8,500.00 co; Laughing Matters \$400.00 smcs; Lewis,D \$85.00 smcs; Lodge,R \$10.00 smcs; Mac Tools \$129.53 smcs; Magic Cleaning \$7,050.00 smcs; Menards \$15.97 smcs; Mid-NE Garage Doors \$435.00 smcs; Midwest Breathing \$739.89 smcs; Midwest Connect \$8,163.97 smcs; Midwest Turf \$24.33 smcs; Mieth,T \$33.75 smcs; Mile High Falcons \$200.00 smcs; Miller & Associates \$173,055.65 co; Miller Signs \$9,023.50 smcs; Mirror Image \$415.60 smcs; Moonlight Embroidery \$180.00 smcs; Municipal Supply \$21,287.01 smcs; Municode \$694.00 smcs; Murphy Tractor \$835.80 smcs; NE Child Support \$1,517.12 ps; NE Dept of Revenue \$117,066.86 smcs,ps; NE Dept. Transportation \$89,000.74 co; NE Library Commission \$7,901.00 smcs; NE Public Health \$383.00 smcs; NE Safety \$365.63 smcs; NE Secretary of State \$30.00 smcs; Nebraskaland Distributing \$4,987.70 smcs; Newman Signs \$66.16 smcs; Newsbank \$26,250.00 smcs; Northwestern Energy \$3,944.05 smcs; Olsson \$26,727.44 co; One Call Concepts \$596.58 smcs; Paramount \$31.26 smcs; Payflex \$539.75 smcs, ps; Penworthy \$272.28 smcs; Pep Co \$137.34 smcs; Presto-X \$706.00 smcs; Prime Communications \$11,454.89 co; Pro Track & Tennis \$14,500.00 smcs; Rasmussen Mechanical \$24,792.20 smcs,co; Ravenna Sanitation \$73.50 smcs; RDG Planning \$1,240.00 co; Ready Mixed Concrete \$9,440.00 co; Region 3 \$1,500.00 smcs; Reinke's \$1,062.32 smcs; Republican National \$1,018.50 smcs; Resource Mgmt.

\$2,251.20 smcs; RMV Construction \$205,242.30 smcs, co; Robertson,D \$31.00 smcs; S&J Construction \$9,920.00 co; Schindler Elevator \$9,471.00 smcs; School District 7 \$920.00 smcs; Schroer,J \$90.00 smcs; See Clear Cleaning \$2,655.50 smcs; SignIt \$193.00 smcs; Silverstone Group \$6,405.92 smcs; Snow,T \$300.00 smcs; SOS Portable Toilets \$337.50 smcs; Southern Glazer's \$2,431.74 smcs; Stutsman \$4,941.00 smcs; TK Elevator \$480.82 smcs; Trade Well Pallet \$3,400.00 co; Traffic Controls \$580.00 smcs; Traveler's \$227,765.93 smcs; Tri Co Glass \$552.94 smcs; Tri-Co Equipment \$111.20 smcs; Tye & Rowling \$14,553.94 smcs; Union Bank \$87,903.33 ps; Union Pacific Railroad \$100.00 er; United Way \$268.76 ps; University of Missouri \$12,400.00 smcs; Verizon \$8,159.35 smcs, co; Village Uniform \$209.00 smcs; Waterlink \$682.12 smcs; Waugh,B \$149.00 smcs; Weldon,C \$812.73 smcs; Wells Fargo \$175.00 smcs; Wicht,M \$31.00 smcs; Wilkins Hinrichs Stober \$24,840.00 co; Windy Prairie Systems \$2,468.50 co; WT Cox \$112.60 smcs; Young,M \$138.00 smcs; Payroll Ending 07/03/21 -- \$617,562.33. 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. Approve the recommendation from the Development Services Division extending the current manufactured home court licenses for L & M Mobile Home Park, 1110 Central Avenue and East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue licenses an additional 30 days to correct deficiencies.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Lance Kramer submitted by U Save Foods, Inc. dba Family Fresh Market #765 located at 3920 2nd Avenue in connection with their Class C-107221 liquor license.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the new Class I-124225 liquor license application and manager application for Jasmin McGinnis submitted by Jazzed Bean, LLC dba Barista's Daily Grind located at 2301 13th Avenue.
6. Adopt Resolution No. 2021-116 repealing Resolution No. 2020-109 and approving the corrected legal description for allowable submission to the Buffalo County Assessor's Office and Buffalo County Treasurer's Office in connection with the redevelopment project submitted by Millennium Development LLC for Redevelopment Area #10 for property located South of West 24th Street and West of University Drive.

### **RESOLUTION NO. 2021-116**

WHEREAS, on July 14, 2021 the City Council adopted Resolution No. 2020-109 approving the redevelopment project (Millennium Development LLC) located in Redevelopment Area #10 for an area now described as a tract of land located in University Village Second Addition, in the West Half of the Northeast Quarter of Section 3, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska, described as follows: All of Lots 2, 3, 4, 5, 6, 7, 8, 9, Outlot E, Outlot F, and Outlot G, all in University Village Second Addition, in the West Half of the Northeast Quarter (NE 1/4), of Section 3, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska (Parcel ID 608745350, building only); and

WHEREAS, on June 16, 2021, the project's developer, Millennium Development LLC, requested that a corrected legal description be approved due an error with the original legal description as a result of the final property layout and platting; therefore, said Resolution No. 2020-109 must be repealed and a new resolution adopted with the corrected legal description; and

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

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

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #10 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land located in University Village Second Addition, in the West Half of the Northeast Quarter of Section 3, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska, described as follows: All of Lots 2, 3, 4, 5, 6, 7, 8, 9, Outlot E, Outlot F, and Outlot G, all in University Village Second Addition, in the West Half of the Northeast Quarter (NE 1/4), of Section 3, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska (Parcel ID 608745350, building only); 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: Resolution No. 2020-109 passed and approved on the 14th

day of July, 2020 be and is hereby repealed in its entirety.

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land located in University Village Second Addition, in the West Half of the Northeast Quarter of Section 3, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska, described as follows: All of Lots 2, 3, 4, 5, 6, 7, 8, 9, Outlot E, Outlot F, and Outlot G, all in University Village Second Addition, in the West Half of the Northeast Quarter (NE 1/4), of Section 3, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska (Parcel ID 608745350, building only); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land located in University Village Second Addition, in the West Half of the Northeast Quarter of Section 3, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska, described as follows: All of Lots 2, 3, 4, 5, 6, 7, 8, 9, Outlot E, Outlot F, and Outlot G, all in University Village Second Addition, in the West Half of the Northeast Quarter (NE 1/4), of Section 3, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska (Parcel ID 608745350, building only); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be October 5, 2020 as 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.

BE IT FURTHER RESOLVED that Resolution No. 2020-109 be and is hereby repealed in its entirety as of July 14, 2020.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Approve the Application for Special Assessment for Agricultural Deferral submitted by TS Development, LLC with regard to Paving Improvement District No. 2014-971, Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 for a tract of land being part of Government Lot 3, part of the North Half of the Northeast Quarter, all of Government Lot 4 and part of accretions in Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land being part of Government Lots 2 and 3 and part of the North Half of the Northeast Quarter and part accretions all located in Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (30th Avenue from 11th Street south 1,500 feet).

8. Adopt Resolution No. 2021-117 approving Application and Certificate for Payment No. 1 in the amount of \$58,981.50 submitted by Ensley Electrical Services and approved by Olsson for the Pedestrian Hybrid Beacons involving work associated with the construction of three (3) Pedestrian Hybrid Beacon's (PHB) at 4-lane trail crossings at 11th Street, 30th Avenue, & 17th Avenue.

### **RESOLUTION NO. 2021-117**

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with the 2020 Pedestrian Hybrid Beacons involving work associated with the construction of three (3) Pedestrian Hybrid Beacon's at 4-lane trail crossings at 11th Street, 30th Avenue, & 17th Avenue, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$58,981.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 218,267.00</u>
Contract Sum To Date	218,267.00
Gross Amount Due	65,535.00
Retainage (0%)	<u>- 6,553.50</u>
Amount Due to Date	58,981.50
Less Previous Certificates for Payment	<u>- 0.00</u>
Current Payment Due	\$ 58,981.50

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 is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Adopt Resolution No. 2021-118 approving the Developer Constructed Infrastructure Agreement for 4 Suns Subdivision between the City of Kearney and Levi Arneson, President of Kearney Warehouse One, LLC, a Nebraska Limited Liability Company for the construction of paving, water main, sanitary sewer main and storm sewer to serve 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.

**RESOLUTION NO. 2021-118**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure 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 between the City of Kearney and Levi Arneson, President of Kearney Warehouse One, LLC, a Nebraska Limited Liability Company, for the construction of paving, water main, sanitary sewer main and storm sewer to serve 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, 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 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**10.** Adopt Resolution No. 2021-119 approving the Purchase Agreement between Buffalo Outdoor Power, LLC, a Nebraska Limited Liability Company and the City of Kearney for the purchase of Lots 529 and 530, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2010 B Avenue).

**RESOLUTION NO. 2021-119**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the “Real Estate Purchase Agreement between Buffalo Outdoor Power, LLC, a Nebraska Limited Liability Company and the City of Kearney” for the purchase of real property which is legally described as: Lots 529 and 530, Original Town of Kearney Junction, now 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 City Manager be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**11.** Adopt Resolution No. 2021-120 approving T-Hangar C-01 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Robert Groeteke.

**RESOLUTION NO. 2021-120**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar C-01 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Robert Groeteke, the Agreement, marked Exhibit “1”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**12.** Approve the Plans and Specifications for the 2021 Part 4 Improvements; Traffic Signal at the Intersection of 15th Avenue and 11th Street and set the bid opening date for August 3, 2021 at 2:00 p.m.

**13.** Adopt Resolution No. 2021-121 approving Application and Certificate for Payment No. 4 in the amount of \$58,202.18 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. 2021-121**

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. 4 in the amount of \$58,202.18 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 379,418.50
Contract Sum To Date	379,418.50
Gross Amount Due	381,758.50
Retainage (10%)	<u>- 7,635.17</u>
Amount Due to Date	374,123.33
Less Previous Certificates for Payment	<u>315,921.15</u>
Current Payment Due	\$ 58,202.18

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

PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

14. Adopt Resolution No. 2021-122 approving Application and Certificate for Payment No. 1 in the amount of \$576,426.60 submitted by Dan Roeder Concrete and approved by Olsson for 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue.

**RESOLUTION NO. 2021-122**

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$576,426.60 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$948,280.50
Change Order No. 1 (5/25/2021)	<u>+ 18,440.00</u>
Contract Sum To Date	966,720.50
Gross Amount Due	640,474.00
Retainage (0%)	<u>- 64,047.40</u>
Amount Due to Date	576,426.60
Less Previous Certificates for Payment	<u>- .00</u>
Current Payment Due	\$576,426.60

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 is hereby accepted and approved.  
PASSED AND APPROVED THIS 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8505 AMENDING SECTION 7-402 "COMPOSITION" OF ARTICLE 4 "GOLF ADVISORY BOARD" OF CHAPTER 7 "PARK AND RECREATION**

Council Member Moore introduced Ordinance No. 8505 amending Section 7-402 "Composition" of Article 4 "Golf Advisory Board" of Chapter 7 "Park and Recreation" of the City Code to amend the members consisting of the Golf Advisory Board from six (6) to five (5); and amending Section 7-409 "Quorum" of Article 4 "Golf Advisory Board" of Chapter 7 "Park and Recreation" of the City Code to amend the members that constitute a quorum from four (4) to three (3) and to amend from four (4) votes to three (3) votes for the passage of any motion, resolution or order by the Board, 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 suspend the rules for Ordinance No. 8505. 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. 8505 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. 8505 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. 8505 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**VI. REGULAR AGENDA**

**REDEVELOPMENT PROJECT FOR PEANUT BUTTER & JELLY, LLC FOR PROPERTY LOCATED SOUTHEAST OF 6TH AVENUE AND TALMADGE STREET INTERSECTION**

Mayor Clouse opened for discussion Resolution No. 2021-123 approving the redevelopment project submitted by Peanut Butter & Jelly, LLC for Redevelopment Areas #2 & #8 for an area described as a tract of land being part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Southeast of 6th Avenue and Talmadge Street intersection).

Wendell Wessels, Finance Director, presented this matter to the Council. Mr. Wessels stated Peanut Butter & Jelly, LLC would like to construct a 9,735 square foot medical office building. This project is located just southeast of 6th Avenue and Talmadge Street. There is currently a garage located on the property that will be moved. The total new valuation of the property upon completion is estimated to be \$1,798,265; the current valuation is \$496,170; therefore, the incremental valuation is estimated to be \$1,302,095. The annual increment real estate taxes upon total completion of the Project is estimated at almost \$24,000. The Developer is requesting Project Costs totaling \$64,058 from Tax Increment Financing (TIF) as follows:

Demolition or removal of existing buildings	\$25,000
Construction of public parking facilities	\$39,058
<b>Total</b>	<b>\$64,058</b>

Mr. Wessels stated the CRA met July 12, 2021 and reduced the Demolition or removal of existing buildings from \$25,000 to \$5,000 due to the \$25,000 including the cost of footings and a concrete slab totaling \$20,000, at the new location of the garage. Therefore, new Project Costs will total \$44,058. Staff recommends Council approve the Project be granted 90% of the annual increment in real estate taxes, not to exceed the lessor of \$44,058 or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2021.

Council Member Tami Moore asked how much of the City's allowed TIF is still available to the City? Mr. Wessels stated the City is well below what is available.

Moved by Buschkoetter seconded by Clouse finding that the redevelopment project set forth in the application submitted by Peanut Butter & Jelly, 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 \$44,058, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2021 and to adopt Resolution No. 2021-123 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Peanut Butter & Jelly, LLC. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion

carried.

### **RESOLUTION NO. 2021-123**

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 Areas #2 & #8 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 Plans 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 Plans; 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 Plans and as authorized in the Redevelopment Plans, as legally a tract of land being part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the Northeast Corner of Lot 6 of Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast Corner of Lot 7 of said Younes Center Fifth Addition, and assuming the North line of said Lot 6 as bearing N 89°24'44" W and all bearings contained herein are relative thereto; thence N 89°24'44" W on said North line of Lot 6, also being said South line of Lot 7 a distance of 294.74 feet to the Southwest Corner of said Lot 7; thence N 00°27'43" E on the West line of said Lot 7 and on the South line of Lot 2 of said Younes Center Fifth Addition a distance of 196.50 feet to a mag nail and washer; thence N 89°32'17" W on the South line of said Lot 2 a distance of 296.51 feet to a mag nail and washer at the Southwest Corner of said Lot 2; thence S 00°27'43" W on the East line of Lot 5 of said Younes Center Fifth Addition a distance of 260.85 feet to a mag nail and washer; thence S 89°24'44" E a distance of 575.52 feet to a mag nail and washer; thence N 14°04'16" E on said East line of Lot 6 a distance of 66.84 feet to the Point of Beginning, containing 2.21 Acres more or less, all in Buffalo County, Nebraska (Parcel ID 580127000); 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 Plans of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land being part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the Northeast Corner of Lot 6 of Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast Corner of Lot 7 of said Younes Center Fifth Addition, and assuming the North line of said Lot 6 as bearing N 89°24'44" W and all bearings contained herein are relative thereto; thence N 89°24'44" W on said North line of Lot 6, also being said South line of Lot 7 a distance of 294.74 feet to the Southwest Corner of said Lot 7; thence N 00°27'43" E on the West line of said Lot 7 and on the South line of Lot 2 of said Younes Center Fifth Addition a distance of 196.50 feet to a mag nail and washer; thence N 89°32'17" W on the South line of said Lot 2 a distance of 296.51 feet to a mag nail and washer at the Southwest Corner of said Lot 2; thence S 00°27'43" W on the East line of Lot 5 of said Younes Center Fifth Addition a distance of 260.85 feet to a mag nail and washer; thence S 89°24'44" E a distance of 575.52 feet to a mag nail and washer; thence N 14°04'16" E on said East line of Lot 6 a distance of 66.84 feet to the Point of Beginning, containing 2.21 Acres more or less, all in Buffalo County, Nebraska (Parcel ID 580127000); 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 Plans, including the Redevelopment Project identified on Exhibit "A", are 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 Plans are 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 Plans which are legally described as a tract of land being part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the Northeast Corner of Lot 6 of Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast Corner of Lot 7 of said Younes Center Fifth Addition, and assuming the North line of said Lot 6 as bearing N 89°24'44" W and all bearings contained herein are relative thereto; thence N 89°24'44" W on said North line of Lot 6, also being said South line of Lot 7 a distance of 294.74 feet to the Southwest Corner of said Lot 7; thence N 00°27'43" E on the West line of said Lot 7 and on the South line of Lot 2 of said Younes Center Fifth Addition a distance of 196.50 feet to a mag nail and washer; thence N 89°32'17" W on the South line of said Lot 2 a distance of 296.51 feet to a mag nail and washer at the Southwest Corner of said Lot 2; thence S 00°27'43"

W on the East line of Lot 5 of said Younes Center Fifth Addition a distance of 260.85 feet to a mag nail and washer; thence S 89°24'44" E a distance of 575.52 feet to a mag nail and washer; thence N 14°04'16" E on said East line of Lot 6 a distance of 66.84 feet to the Point of Beginning, containing 2.21 Acres more or less, all in Buffalo County, Nebraska (Parcel ID 580127000); 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 13TH DAY OF JULY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**VII. REPORTS**

**CLOSED SESSION**

Moved by Clouse seconded by Nikkila that Council adjourn into closed session at 5:43 p.m. for the protection of the public interest to discuss personnel matters. Roll call resulted

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

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss possible personnel matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Clouse that Council reconvene in regular session at 6:44 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

### **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:44 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**ATTEST:**

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

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