

Kearney, Nebraska
March 24, 2015
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 March 24, 2015, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and JoAnn Andersen, Development Coordinator were also present. Some of the citizens present in the audience included: Larry Butler, Paul Younes, J. Paul Younes, Craig Bennett, Jon Abegglen, Steve Altmaier from KGFW Radio, Amanda Brandt from Kearney Hub, Jon Jankowski from NTV.

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

Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING ADJACENT TO 1ST STREET AND 4TH AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes to rezone from District M-1, Limited Industrial District to District C-2, Community Commercial District property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue) and consider Ordinance No. 7975.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated the location is north of Talmadge Street, west of 2nd Avenue and on the north is the north channel of the Platte River also known as Turkey Creek. The area that they are platting is approximately 5.82 acres. The boundary will be adjacent to 4th Avenue on the east and what would be known as 1st Street on the southeast corner but will connect to 3rd Avenue. The Land Use Map would not need to be changed as it already is currently Mixed-Use 2. The area here tonight shows to be in the same area with Mixed-Use 2.

The zoning they are asking for it to be rezoned from M-1 Light Industrial to C-2 which is consistent all around on the northeast, 2nd Avenue corridor and what's on the south also. The Preliminary Plat as required if you were to drive out there today there would be a house and garage that would be raised during the construction and there was a gravel driveway that led to the house.

They are proposing to extend 4th Avenue right-of-way as well as 1st Street that would connect to the 1st Street right-of-way that is along the north side of NDOR (the State property). They will have circulation from 3rd Avenue through 1st Street back down to 4th Avenue and then 1st Street would terminate in terms of this plat and its right-of-way. Essentially, the final plat, rezoning and the preliminary plat all have the same exact boundary in acres. They are asking to rezone and plat into three lots.

They do have water that they are able to connect to on 3rd Avenue and extend it westerly along 1st Avenue as well as in Talmadge Street they would connect water as well. There would be no sanitary sewer placed in 4th Avenue. They are able to serve everything off the sanitary sewer extension that they will have in 1st Street. Services would be placed for each Lots 1 and 2 off of 1st Street as well as Talmadge Street.

The south quadrant would be a series of restaurants that would be under one roof essentially with a parking lot that would encompass it. They would also have a cross connection that would tie into the ingress/egress easement and circulation for the existing Hampton Inn. 4th Avenue would be paved as well as 1st Street and they would have connection off of both of those locations. From a development plan they would be building across the lot that is platted, placing a restaurant there and the parking would look more like a campus plan.

As they shared with Planning Commission as they continue to develop in that area it is important to have another means of circulation in and out of the facility and currently the only point they have is Talmadge Street and 2nd Avenue. They would be able to connect 1st Street back to Kea West Avenue.

City Attorney Michael Tye stated the City has three signed agreements with the property owners from where the motel and development would be across to the west. They have agreed to grant them 80 feet of right-of-way to extend all the way to Kea West Avenue. In that right-of-way they will build a 24-foot wide gravel road and build it to County standards so that they will have a secondary way out of the motel convention center area and the intent would be to construct that this summer so that it is in place by the time the motel is opened.

It will be a County road where it extends beyond City limits and the County Board this morning did review the three agreements and voted unanimously to accept them. There has been a lot of discussion at the Planning Commission about the need to have another way to get out of the area and this provides them with a secondary exit or outlet from the developments.

Council Member Lammers asked if the City would be responsible for putting through the road and the County would maintain the road. City Attorney stated that is correct. The City will construct the road and once it is constructed the County would be responsible for maintenance from there forward.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes to rezone from District M-1, Limited Industrial District to District C-2, Community Commercial District property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue and introduced Ordinance No. 7975 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 7975. 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, Lammers, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7975 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance No. 7975 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7975 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 FOR YOUNES CENTER THIRD ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for the Final Plat for Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue) and consider Resolution No. 2015-50.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-50** approving the Application submitted by Miller & Associates for Paul and Linda Younes for the Final Plat for Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-50

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 5 and Accretions, Section 11, Township Eight 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Comer of the Southeast Quarter of said Section 11 and assuming the East line of said Section as bearing N00°37'12"E and all other bearing shown hereon relative thereto; thence N00°37'12"E on said East line a distance of 875.38 feet to the North line of Talmadge Street extended Easterly; thence N87°20'30"W on said North line of Talmadge Street a distance of 777.58 feet to an Iron Pipe found at the Southeast corner of Younes Center Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N02°40'11"E on the East line of said Younes Center Addition a distance of 250.01 feet to a found 5/8" rebar and the ACTUAL POINT OF BEGINNING, said point being the Northeast corner of said Younes Center

Addition; thence continuing N02°40'11"E a distance of 250.01 feet to a 'T' fence post at the South line of First (1st) Street; thence continuing N02°40'11"E a distance of 60.00 feet to a 5/8" rebar with plastic cap stamped "HUMPHREY LS 492" at the North line of First (1st) Street; thence S87°19'11"E on said North Line of First (1st) Street a distance of 250.93 feet to a 5/8" rebar with plastic cap stamped "HUMPHREY LS 492" and the beginning of a non-tangent curve to the Right; thence Northeasterly on said non-tangent curve having a central angle of 78°17'07", a radius of 50.00 feet, an arc length of 68.32 feet, a chord bearing N53°42'25"E a distance of 63.13 feet to a 5/8" rebar with plastic cap stamped "HUMPHREY LS 492" at the West line of Third (3rd) Avenue; thence N02°38'34"E on said West line of Third (3rd) Avenue a distance of 95.47 feet to a 5/8" hex rod found at the existing high south bank of the North Channel of the Platte River; thence N01°09'11"W a distance of 30.90 feet to the existing centerline of the North Channel of the Platte River as surveyed January 15, 2015; thence S88°50'49"W along said existing centerline a distance of 6.81 feet; thence continuing along said existing centerline N76°00'43"W a distance of 39.66 feet; thence continuing along said existing centerline N53°02'24"W a distance of 35.85 feet; thence continuing along said existing centerline N67°09'42"W a distance of 117.50 feet; thence continuing along said existing centerline N80°10'35"W a distance of 113.23 feet; thence continuing along said existing centerline N77°00'44"W a distance of 88.54 feet; thence N87°20'30"W parallel with the North line of said Younes Center Addition a distance of 228.71 feet to a 5/8" rebar; thence S02°39'30"W a distance of 270.62 feet to a 5/8" rebar; thence N87°20'30"W parallel with said North line a distance of 30.00 feet to a 5/8" rebar; thence S02°39'30"W a distance of 193.92 feet to a 5/8" rebar on the North line of Lot 1 of said Younes Center Addition; thence S87°20'30"E on said North line of Lot 1 a distance of 65.00 feet to a 5/8" rebar at the Northeast corner of said Lot 1; thence S02°39'30"W on the East line of said Lot 1 a distance of 116.09 feet to a 5/8" rebar on the North line of Lot 2 of said Younes Center Addition; thence S87°20'30"E on said North line of said Lot 2 a distance of 319.50 feet to the Point of Beginning, containing 5.82 Acres, more or less, Buffalo County, Nebraska to the City of Kearney, 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 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 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF YOUNES CENTER THIRD ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Paul and Linda Younes for the annexation of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue) and consider Resolution No. 2015-51.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-51** approving the Application submitted by Miller & Associates for Paul and Linda Younes for the annexation of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 5 and part of accretions to Government Lot 5, and part of accretions to Government Lot 9, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (adjacent to 1st Street and 4th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-51

WHEREAS, an Application has been submitted by Miller & Associates for Paul and Linda Younes for the inclusion of Younes Center Third Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of Government Lot 5 and Accretions, Section 11, Township Eight 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Comer of the Southeast Quarter of said Section 11 and assuming the East line of said Section as bearing N00°37'12"E and all other bearing shown hereon relative thereto; thence N00°37'12"E on said East line a distance of 875.38 feet to the North line of Talmadge Street extended Easterly; thence N87°20'30"W on said North line of Talmadge Street a distance of 777.58 feet to an Iron Pipe found at the Southeast corner of Younes Center Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence N02°40'11"E on the East line of said Younes Center Addition a distance of 250.01 feet to a found 5/8" rebar and the ACTUAL POINT OF BEGINNING, said point being the Northeast corner of said Younes Center Addition; thence continuing N02°40'11"E a distance of 250 01 feet to a 'T' fence post at the South line of First (1st) Street; thence continuing N02°40'11"E a distance of 60.00 feet to a 5/8" rebar with plastic cap stamped "HUMPHREY LS 492" at the North line of First (1st) Street; thence S87°19'11"E on said North Line of First (1st) Street a distance of 250.93 feet to a 5/8" rebar with plastic cap stamped "HUMPHREY LS 492" and the beginning of a non-tangent curve to the Right; thence Northeasterly on said non-tangent curve having a central angle of 78°17'07", a radius of 50.00 feet, an arc length of 68.32 feet, a chord bearing N53°42'25"E a distance of 63.13 feet to a 5/8" rebar with plastic cap stamped "HUMPHREY LS 492" at the West line of Third (3rd) Avenue; thence N02°38'34"E on said West line of Third (3rd) Avenue a distance of 95.47 feet to a 5/8" hex rod found at the existing high south bank of the North Channel of the Platte River; thence N01°09'11"W a distance of 30.90 feet to the existing centerline of the North Channel of the Platte River as surveyed January 15, 2015; thence S88°50'49"W along

said existing centerline a distance of 6.81 feet; thence continuing along said existing centerline N76°00'43"W a distance of 39.66 feet; thence continuing along said existing centerline N53°02'24"W a distance of 35.85 feet; thence continuing along said existing centerline N67°09'42"W a distance of 117.50 feet; thence continuing along said existing centerline N80°10'35"W a distance of 113.23 feet; thence continuing along said existing centerline N77°00'44"W a distance of 88.54 feet; thence N87°20'30"W parallel with the North line of said Younes Center Addition a distance of 228.71 feet to a 5/8" rebar; thence S02°39'30"W a distance of 270.62 feet to a 5/8" rebar; thence N87°20'30"W parallel with said North line a distance of 30.00 feet to a 5/8" rebar; thence S02°39'30"W a distance of 193.92 feet to a 5/8" rebar on the North line of Lot 1 of said Younes Center Addition; thence S87°20'30"E on said North line of Lot 1 a distance of 65.00 feet to a 5/8" rebar at the Northeast corner of said Lot 1; thence S02°39'30"W on the East line of said Lot 1 a distance of 116.09 feet to a 5/8" rebar on the North line of Lot 2 of said Younes Center Addition; thence S87°20'30"E on said North line of said Lot 2 a distance of 319.50 feet to the Point of Beginning, containing 5.82 Acres, more or less, Buffalo County, Nebraska to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on March 20, 2015 on the inclusion of Younes Center Third Addition within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on March 24, 2015 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Younes Center Third Addition shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Younes Center Third Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

PROPOSED ACQUISITION OF LAND FOR COTTONMILL PARK

Mayor Clouse opened the public hearing on the proposed acquisition for recreational purposes a part of Lot 1, Wiebe's Subdivision, a subdivision being part of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., and part of Government Lot 1 of Section 5, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2015-52.

City Attorney Michael Tye presented this matter to the Council. The City of Kearney was contacted by Dr. David and Lorma Wiebe who own property adjacent to Cottonmill Park indicating they were interested in donating a parcel of property to the City of Kearney and Buffalo County to add an area of approximately six acres to Cottonmill Park. City staff prepared a Warranty Deed from the Wiebe's to the City of Kearney with the indication that for any reason the property is not used for a public park that it would revert to the Grantor. City staff believes that this would be a wonderful addition to Cottonmill Park and are very appreciative of Dr. and Mrs. Wiebe for this donation.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-52** approving the proposed acquisition for recreational purposes a part of Lot 1, Wiebe's Subdivision, a subdivision being part of the Southeast Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., and part of Government Lot 1 of Section 5, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-52

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 recreational purposes and voted in favor to proceed with the acquisition; and

WHEREAS, Lorma L. Wiebe, Trustee of the Lorma L. Wiebe Trust Agreement dated December 23, 1980, has granted to the City of Kearney, Nebraska a Warranty Deed for recreational purposes for Lot 1, Wiebe's Subdivision, a subdivision being part of the Southeast Quarter of Section 32, Township 9 North, Range 16 West, and part of Government Lot 1 of Section 5, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, EXCEPT part of said Lot 1, more particularly described as follows: Beginning at the Northwest Corner of Lot 1, Wiebe's Subdivision, and assuming the South line of the Southeast Quarter of Section 32 as bearing West and all bearings contained herein are relative thereto; thence on the West line of said Lot 1, Wiebe's Subdivision, said line also being the East line of a public road (Cottonmill Avenue), S10°54'30"W a distance of 622.71 feet to a point that intersects on the northerly right-of-way line of the Kearney Canal; thence S60°04'51"E on the aforesaid North right-of-way line and on the Southerly line of said Lot 1, Wiebe's Subdivision, a distance of 201.11 feet to a point that intersects on the line common to Government Lot 1, located in the Northeast Quarter of Section 5, Township 8 North, Range 16 West and the South line of the Southeast Quarter of Section 32, Township 9 North, Range 16 West; thence continuing on the Southerly line of said Lot 1, Wiebe's Subdivision, N89°51'30"E and on said common line a distance of 500.0 feet, said point bears West on the South line of the Southeast Quarter of said Section 32 a distance of 972.54 feet from the Southeast Corner of the Southeast Quarter of said Section 32; thence leaving said line common to Government Lot 1 located in the Northeast Quarter of Section 5, and the South line of

the Southeast Quarter of Section 32, N22°32'41"E a distance of 588.16 feet to a point that intersects on the Northeasterly line of said Lot 1, Wiebe's Subdivision; thence on the Northeasterly line of said Lot 1, Wiebe's Subdivision, N38°26'23"W a distance of 300.0 feet; thence continuing on the Northerly line of said Lot 1, Wiebe's Subdivision, S83°34'15"W a distance of 596.0 feet to the place of beginning, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Warranty Deed granted by Lorma L. Wiebe, Trustee of the Lorma L. Wiebe Trust Agreement dated December 23, 1980, with the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Nikkila seconded by Buschkoetter that Subsections 1 through 27 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held March 10, 2015.

2. Approve the following Claims:

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

4Imprint \$920.03 smcs; 5.11 Tactical \$699.85 smcs; Ace Hardware \$109.99 smcs; Advance Auto Parts \$132.15 smcs; Ag Conference \$81.99 smcs; Air Delights \$159.94 smcs; Albrecht,J \$55.00 smcs; Alcohol Controls \$92.02 smcs; Al-Jon Mfg \$199.43 smcs; All Makes Auto \$3,798.98 smcs; Ally B Designs \$75.00 smcs; Amazon \$7,342.25 smcs,co; American \$1,512.64 smcs; Amer Airlines \$50.00 smcs; Amer Fence \$3,942.80 smcs; Amer First Aid \$289.34 smcs; Amsan \$406.55 smcs; Anderson Bros \$124.76 smcs; Anderson Ford Lincoln \$25,764.00 co; Anderson,B \$40.00 smcs; Antelope Newspaper \$160.00 smcs; Apple Market \$12.45 smcs; Apple Online \$105.93 smcs; Arrowhead Scientific \$121.23 smcs; Arvato Windows \$199.98 smcs; Ask Supply \$1,449.99 smcs; Aurora Coop \$1,076.28 smcs; Baker & Taylor \$2,978.35 smcs; Bamford \$475.00 smcs; Barco Municipal \$996.00 smcs; Beacon Ballfields \$940.00 smcs; Bear Frame & Alignment \$101.95 smcs; Big Rack Shack \$288.38 smcs; Blackstone Audio \$269.99 smcs; Blessing \$1,627.50 smcs; BlueCross BlueShield \$189,649.07 smcs; Bogard,M \$1,404.60 smcs; Bosselman \$18,970.90 smcs; Brownells \$541.30 smcs; Bruha,S \$440.00 smcs; BSN Sports \$1,410.92 smcs; Bubble Factory \$57.95 smcs; Buffalo Co Treasurer \$1,919.60 co; Buffalo Outdoor Power \$545.40 smcs; Buggy Bath \$30.00 smcs; Builders \$4,185.47 smcs,co; Cabela's \$29.90 smcs; Capital Business Systems \$115.81 smcs; Carquest \$3,795.84 smcs; Cash Wa

\$1,436.76 smcs; CBA Lighting \$482.95 smcs; Center Point Publishing \$72.06 smcs; Central Fire & Safety \$197.25 smcs; Central Hydraulic \$603.45 smcs; Central NE Bobcat \$327.56 smcs; CFA Software \$2,995.00 smcs; Charter \$582.19 smcs; Chase,B \$115.00 smcs; ChemSearch \$206.79 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$21.09 smcs; Child's World \$1,177.00 smcs; Cintas \$284.16 smcs; City of Ky \$13,351.24 smcs,ps; CMH Interiors \$1,339.00 smcs; Coca Cola \$679.25 smcs; Colorado Chapter \$600.00 smcs; CompassCom \$50.00 smcs; Conseco Life Ins \$19.00 ps; Consolidated Management \$18.00 smcs; Construction Rental \$151.26 smcs; Control Yours \$130.00 smcs; Cool Tech \$4,273.25 smcs; Copycat \$80.81 smcs; Cornhusker Marriott \$476.00 smcs; Crane River \$400.00 smcs; Crossroads Ford \$170.14 smcs; Crouch Recreational \$4,590.00 co; Culligan \$547.19 smcs; Cummins Central Power \$751.36 smcs; Dawson PPD \$16,133.13 smcs; Daylight Donuts \$48.60 smcs; Dell \$2,782.00 smcs,co; Demco \$76.80 smcs; Deterdings \$999.27 smcs; Diamond Tours \$19,950.00 smcs; Digicert \$818.00 co; Dmilaco \$241.00 smcs; Dollar-General \$30.50 smcs; Dreamstime.com \$17.99 smcs; Dutton-Lainson \$72.34 smcs; Eakes \$2,169.72 smcs,co; Eirich,T \$50.00 smcs Elliott Equipment \$1,162.60 smcs; Etsy \$16.45 smcs; Eurofins Eaton \$2,427.00 smcs; Eustis Body Shop \$185.00 smcs; Express Sharpening \$42.00 smcs; Expression Wear \$170.00 ps;Factoryoutletstore.com \$768.99 co; Fairbanks \$1,060.13 smcs; Farm House Café \$491.38 smcs; Fastenal \$2,682.91 smcs; Fedex \$81.70 smcs; Fitbit \$379.25 ps; Frontier \$8,953.03 smcs; Full Tilt Management \$2,000.00 smcs; Fun Express \$84.31 smcs; Gale \$1,503.52 smcs; Garcia Chicoine \$4,397.80 co; Garrett Tires \$2,963.50 smcs; Gaylord Bros \$2,864.50 smcs; Glass Doctor \$153.93 smcs; Graham Tire \$180.38 smcs; Grainger \$786.78 smcs,co; Gray,C \$159.00 smcs; H&H Distributing \$570.31 smcs; HD Supply \$10,969.99 smcs; Heartland Strategy \$5,000.00 smcs; Hobby-Lobby \$310.49 smcs; Holiday Inn \$10,605.92 smcs; Holmes Plbg \$114.54 smcs; Hometown Leasing \$165.06 smcs; House of Ladders \$31.32 smcs; HRM USA \$105.00 smcs; Hy Vee \$906.13 smcs; Hydro Tech \$160.00 smcs; IACA \$25.00 smcs; ICMA RC \$4,325.76 ps; Infogroup \$365.00 smcs; Instrumart \$4,200.00 co; IRS \$131,903.99 ps; Int'l Code Council \$37.00 smcs; Int'l Soc Arboriculture \$13.86 smcs; ISG Infrasys \$45.00 smcs; Jack Lederman \$246.57 smcs; Jackson,C \$95.00 smcs; JEO Consulting \$14,113.07 smcs; Johnson-Waring,H \$85.00 smcs; Johnstone Supply \$32.12 smcs; Joseph's Beauty College \$690.00 smcs; K&K Parts \$1,135.68 smcs; Kaul,R \$24.63 smcs; Ky Chamber Comm \$415.66 smcs; Ky Concrete \$95.24 smcs; Ky Hub \$2,159.87 smcs; Ky Powersports \$12,902.60 smcs,co; Ky Towing \$100.00 smcs; Ky Truck Parts \$25.00 smcs; Ky Warehouse \$370.70 smcs; Ky Winlectric \$781.08 smcs; Kelly Supply \$25.80 smcs; Kmart \$146.92 smcs; Konica Minolta \$558.32 smcs; KPS Foundation \$85.00 smcs; Krull Ins \$6,584.25 smcs; Kully Supply \$76.04 smcs; Landmark Implement \$79.79 smcs; Larue Distributing \$73.01 smcs; Lawson Products \$1,044.57 smcs; LCL Truck Equipment \$22,475.00 smcs,co; League of NE Municipalities \$160.00 smcs; Lee,T \$25.44 smcs; Linda's Upholstery \$84.00 smcs; Lockmobile \$5.85 smcs; Longleaf Services \$416.32 smcs; Mail Express \$329.84 smcs; Maintenance Engineering \$988.92 smcs; Marlatt Machine \$1,193.62 smcs; Matheson \$521.51 smcs; Medicbatteriescom \$211.85 smcs; Meier,B \$275.00 smcs; Menards \$6,026.12 smcs; Merryman Performing Arts \$76.25 smcs; Middleton Electric \$110.00 smcs; Mid-NE Garage Doors \$1,285.00 smcs; Midway Chevrolet \$164.38 smcs; Midwest Breathing \$364.67 smcs; Midwest Labs \$32.74 smcs; Midwest Turf \$492.86 smcs; Miller Signs \$600.00 smcs; Mindmixer.com \$250.00 smcs; Mirror Image \$170.20 smcs; Miska,P \$20.42 smcs; Mitchell 1 \$827.74 smcs; MONA \$200.00 smcs; Monoprice \$103.15 co; Moonlight

Embroidery \$665.50 smcs; Motorola \$33,624.00 smcs; Municipal Supply \$2,710.24 smcs; Murphy Tractor \$491.17 smcs; Nature-Watch \$273.34 smcs; Navigator Motorcoaches \$1,206.00 smcs; NCL of Wisconsin \$491.93 smcs; NE Child Support \$2,971.66 ps; NE GIS/LIS Assn \$400.00 smcs; NE Library Assn \$150.00 smcs; NE Notary Assn \$104.23 smcs; NE State Chamber \$380.00 smcs; NE State Historical \$5,100.00 co; NE Truck Center \$1,096.21 smcs; NE Wastewater Operators \$100.00 smcs; NEland Distributors \$532.57 smcs; Northern Safety \$310.05 smcs; Northwest Electric \$1,259.87 smcs; Northwestern Energy \$16,613.64 smcs; Novus \$40.00 smcs; NRG Media \$54.00 smcs; NWEA \$225.00 smcs; NYSCA \$20.00 smcs; OCLC \$607.10 smcs; Odeys \$9,902.00 smcs; Office Depot \$199.95 co; Office Max \$2,938.04 smcs; O'Hara Lindsay \$2,002.70 smcs; O'Keefe Elevator \$215.00 smcs; Olsson Associates \$3,200.00 co; One Call Concepts \$214.15 smcs; O'Reilly Auto \$726.29 smcs; Oriental Trading \$137.12 smcs; Orscheln \$401.03 smcs; Otto Environmental \$6,619.00 smcs; Otto,M \$55.00 smcs; Overland Trails Council \$250.00 smcs; Paramount \$350.99 smcs; Party America \$66.63 smcs; Paypal-Alextalaric \$892.15 co; Paypal-Cellelectro \$549.99 co; Paypal-Circa30 \$760.00 co; Paypal-Ereplacement \$24.26 smcs; Paypal-Factoryoutlet \$222.36 co; Paypal-Nebraskacle \$223.00 smcs; Paypal-Nguyendinhv \$889.00 co; Paypal-NPS \$454.21 co; Paypal-OCI Online \$24.99 smcs; Paypal-Sedking \$581.57 co; Paypal-Shenidss \$474.00 co; Paypal-Specils4sal \$139.93 co; Paypal-Telesupplies \$52.14 co; Paypal-Woodwardsat \$209.95 smcs; Paypal-YKC6610 \$780.00 co; Penn Radiant \$350.00 smcs; Pennwell Books \$462.55 smcs; Pep Co \$142.68 smcs; Physio-Control \$1,691.25 smcs; Pioneer Mfg \$642.00 smcs; Platte Valley Comm \$138.97 smcs; Platte Valley Labs \$62.50 smcs; Presto-X \$625.04 smcs; Protex Central \$460.00 smcs; Provantage \$275.55 smcs; Pulliam,R \$40.00 smcs; Qualified Hardware \$236.00 co; Quill \$539.79 smcs; Radioshack \$21.39 smcs; Random House \$225.00 smcs; RDJ Specialties \$248.39 smcs; Recorded Books \$2,639.13 smcs; Recreonics \$4,361.85 co; Red Cross Store \$111.19 smcs; Redbox \$1.61 smcs; Reinke's \$341.00 smcs; Rheome Tree \$2,915.00 smcs; Rockler Woodwork \$82.97 smcs; Romar \$100.00 smcs; Ropers Radiator \$65.00 smcs; Rourke Publishing \$209.40 smcs; Royle,K \$115.00 smcs; RW Sorensen \$29,080.80 co; Rylind Mfg \$161.00 smcs; Safariland \$130.62 smcs; Sahling Kenworth \$764.52 smcs; Salter,J \$1,480.85 smcs; Sanitation Products \$1,005.90 smcs; Sapp Bros \$18,496.38 smcs; See Clear Cleaning \$350.00 smcs; Sensus \$273.59 smcs; Sequel Bookshop \$47.04 smcs; Sherwin Williams \$344.29 smcs; Sid Dillion \$26,780.00 co; Sirchie Finger Print \$487.17 smcs; Sirsi Corp \$1,660.00 smcs; Skulls Unlimited \$113.14 smcs; Snap-On Tools \$392.49 smcs; SOS Nonprofit Report \$23.00 smcs; SOS Portable Toilets \$117.00 smcs; Stampscom \$4.99 smcs; Staples \$66.00 smcs; Stover,A \$31.01 smcs; Strategic Materials \$344.22 smcs; Sunbelt Rentals \$251.11 smcs; Sunmart \$2.46 smcs; Sunny Bunny Easter Eggs \$317.10 smcs; Super Shine Auto Care \$37.50 smcs; Superior Signals \$959.40 smcs; Swift,L \$39.74 smcs; Tacha,J \$50.00 smcs; Target \$363.30 smcs; Teledyne \$805.62 smcs Titleist \$79.85 smcs; Tractor-Supply \$411.82 smcs; Trans Iowa Equipment \$315.12 smcs; Travel Insured Int'l \$665.00 smcs; Triad Tactical \$536.91 smcs; Trinity Supplies \$980.00 co; Trophy Depot \$22.24 smcs; Twin City Hardware \$227.32 smcs; U Stop \$18.79 smcs; Union Bank \$64,217.27 ps; Unique Management \$223.75 smcs; UPS \$14.35 smcs; USA Blue Book \$789.09 smcs; USA Communications \$141.58 smcs; USPS \$492.07 smcs; Van Diest Supply \$7,921.08 smcs; Verizon \$283.34 smcs; Walgreens \$76.35 smcs; Wal-Mart \$680.87 smcs; Wells Fargo Bank \$108,592.00 smcs; Wells Fargo Equipment \$500.00 co; Wilke's True Value \$222.57 smcs,co; Williams,M \$156.50 smcs; World Theatre Foundation \$250.00 smcs; WPCI \$160.50 ps;

WT Cox \$10,393.30 smcs; Yanda's Music \$67.30 smcs; Yant Equipment \$459.04 smcs; Yechout,A \$32.31 smcs; Yehossou,V \$7.47 smcs; Yellow Van Cleaning \$888.34 smcs; Payroll Ending 3-21-2015 -- \$387,106.80. 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. Receive recommendations of Planning Commission and set April 13, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to dispense beer at the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 8 and 9, 2015 from 5:00 p.m. until 11:00 p.m. each day for a fund raiser.
5. Approve the application for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer and distilled spirits in Parking Lot 12, Zone C on UNK Campus located at 905 West 25th Street on April 25, 2015 from 10:00 p.m. until 4:00 p.m. for Spring Game Tailgating.
6. Adopt **Resolution No. 2015-53** accepting the public storm sewer constructed under a Developer Constructed Infrastructure Agreement serving Lots 3 and 4, Oak Park Center.

RESOLUTION NO. 2015-53

WHEREAS, on the 25th day of February, 2014 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2014-48 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Sorensen Acres L.L.C., a Nebraska Limited Liability Company for the construction of a storm sewer pipe to serve Lots 3 and 4, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney for the construction of a storm sewer pipe to serve Lots 3 and 4, Oak Park Center, an addition to the City of Kearney, Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Adopt **Resolution No. 2015-54** approving amendments to the Limited English Proficiency (LEP) Assistance Plan to included programs funded by HUD and other federal agencies.

RESOLUTION NO. 2015-54

WHEREAS, the Nebraska Department of Roads has described four factors shat should be addressed in drafting a Limited English Proficiency Plan in compliance with Executive Order 12166; and

WHEREAS, the Assistant City Manager has been appointed to serve as the City's Title VI Coordinator; and

WHEREAS, the City's Title VI Coordinator has examined those factors defined by the Nebraska Department of Roads and other federal funding programs and the conclusions are reflected in the proposed Limited English Proficiency Assistance Plan.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Limited English Proficiency Assistance Plan, marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted and approved.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt **Resolution No. 2015-55** authorizing the City Manager to enter into an Agreement with Troy & Banks, Inc. for the auditing of cable television service companies which operate with the City of Kearney.

RESOLUTION NO. 2015-55

WHEREAS, all companies providing cable television services within the City of Kearney are required to pay a cable television occupation tax on all gross receipts as set forth in the City's Comprehensive Fee Schedule; and

WHEREAS, companies are required to pay this occupation tax on a quarterly basis and are subject to audit of their records by the City of Kearney; and

WHEREAS, the City of Kearney wants to hire an auditing firm to review cable television companies records and determine whether or not the correct amount of occupation tax has been paid.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the City Manager is authorized and directed to execute the Agreement between the City of Kearney and Troy & Banks, Inc. to review cable television service companies records and determine whether or not the correct amount

of occupation tax has been paid. The Agreement, marked as Exhibit "1" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt **Resolution No. 2015-56** on the intent to issue tax exempt bonds for the 2014 Part 12 Improvements; Airport Water System Project.

RESOLUTION NO. 2015-56

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

<u>2014 Part 12 Improvements – Airport Water System Project</u>	
Water Main	\$360,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$360,000.00.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve the application for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 catering liquor license to dispense beer, wine, and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on April 18, 2015 from 3:00 p.m. until 12:00 a.m. for a fund raiser.

11. Adopt **Resolution No. 2015-57** accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Starostka View Addition.

RESOLUTION NO. 2015-57

WHEREAS, on the 25th day of September, 2012 the President and Council of the

City of Kearney, Nebraska passed and approved Resolution No. 2012-163 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement for Lot 1, Block One and Lot 1, Block Two, Starostka View Addition between the City of Kearney and Starostka Group Unlimited Inc., a Nebraska Corporation for the construction of water and sanitary sewer to serve the property described as Lot 1 of Block One and Lot 1 of Block Two, Starostka View Addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 “Acceptance of Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City’s Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney for the construction of water and sanitary sewer to serve the property described for Lot 1 of Block One and Lot 1 of Block Two, Starostka View Addition to the City of Kearney, Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Adopt **Resolution No. 2015-58** accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Starostka Estates Addition.

RESOLUTION NO. 2015-58

WHEREAS, on the 23rd day of April, 2013 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2013-66 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Starostka Group Unlimited, Inc. to construct paving, water, sanitary sewer and storm sewer for Starostka Estates Addition; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 “Acceptance of Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City’s Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney for the construction of paving, water, sanitary sewer and storm sewer to serve the property described as Starostka Estates Addition and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Adopt **Resolution No. 2015-59** approving the Developer Constructed Infrastructure Agreement for Lot 1, Bearcat Corner Addition between the City of Kearney and Buffalo County School District 10-007.

RESOLUTION NO. 2015-59

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Lot 1, Bearcat Corner Addition" between the City of Kearney and Buffalo County School District 10-007, for the construction of water mains for domestic water use and fire protection to serve Lot 1, Bearcat Corner Addition, 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 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Adopt **Resolution No. 2015-60** approving the Developer Constructed Infrastructure Agreement for Cherry Avenue Industrial Park between the City of Kearney and Norris and Lori Marshall.

RESOLUTION NO. 2015-60

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Cherry Avenue Industrial Park" between the City of Kearney and Norris and Lori Marshall, for the construction of water mains for domestic water use and fire protection to serve Lots 1 and 2, Cherry Avenue Industrial Park, 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 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Adopt **Resolution No. 2015-61** approving the Sanitary Sewer Service Agreement for Brandt's Lakewood Subdivision, Brandt's Lakewood Estates, Brandt's Lakewood 2nd Addition, Brandt's Lakewood 4th Addition, Brandt's Lakewood 5th Addition, Brandt's Lakewood 6th Addition, Brandt's Lakewood 7th Addition, and Brandt's Lakewood 8th Addition between the City of Kearney and Brandt's Lakewood Homeowners Association.

RESOLUTION NO. 2015-61

WHEREAS, Brandt's Lakewood Subdivisions are located on the south side of the Platte River and on the west side of Highway 10 in Kearney County and are within the City of Kearney's 2-mile extraterritorial zoning jurisdiction; and

WHEREAS, Brandt's Lakewood Subdivisions treat their wastewater at a small "package" treatment plant which no longer meets the discharge permit limits; and

WHEREAS, the City prepared an agreement which sets forth the requirements between the City of Kearney and the Brandt's Lakewood Home Owners Association.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the Sanitary Sewer Service Agreement for Brandt's Lakewood Homeowners Association be and is hereby accepted. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Adopt **Resolution No. 2015-62** approving Application and Certificate for Payment No. 5 in the amount of \$221,187.78 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue.

RESOLUTION NO. 2015-62

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$221,187.78 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$5,513,218.10</u>
Contract Sum To Date	5,513,218.10
Gross Amount Due	2,464,426.33
Retainage (10%)	246,442.63
Amount Due to Date	2,217,983.69
Less Previous Certificates for Payment	<u>1,996,795.91</u>
Current Payment Due	\$ 221,187.78

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 5, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

17. Adopt Resolution No. 2015-63 approving Application and Certificate for Payment No. 4 in the amount of \$231,095.82 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet.

RESOLUTION NO. 2015-63

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$231,095.82 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$749,062.00</u>
Contract Sum To Date	749,062.00
Gross Amount Due	667,648.96
Retainage (5%)	33,382.45
Amount Due to Date	634,266.51
Less Previous Certificates for Payment	<u>403,170.69</u>
Current Payment Due	<u>\$231,095.82</u>

NOW, THEREFORE, BE IT RESOLVED by the Mayor 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 is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

18. Adopt **Resolution No. 2015-64** approving Change Order No. 1 showing a decrease in the amount of \$5,993.00, Application and Certificate for Payment No. 2-Final in the amount of \$51,233.10 and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 10 Improvements – Bid A consisting of Water District No. 2014-576 and Sanitary Sewer District No. 2014-514 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition.

RESOLUTION NO. 2015-64

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2014 Part 10 Improvements – Bid A consisting of consisting of Water District No. 2014-576 and Sanitary Sewer District No. 2014-514 for 17th Street from Avenue M east to the east lot line of Lot 5, Block Two, Marlatt Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$5,993.00, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$51,233.10 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$119,030.00
Change Order No. 1 (3-24-2015)	<u>- 5,993.00</u>
	\$113,037.00
Contract Sum To Date	113,037.00
Gross Amount Due	113,037.00
Retainage (0%)	.00
Amount Due to Date	113,037.00
Less Previous Certificates for Payment	<u>61,803.90</u>
Current Payment Due	<u>\$ 51,233.10</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of February 28, 2015, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

19. Adopt **Resolution No. 2015-65** approving Application and Certificate for Payment No. 1 in the amount of \$347,265.00 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.

RESOLUTION NO. 2015-65

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the UV Disinfection Building at the Platte River Well Field, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$347,265.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,535,860.00</u>
Contract Sum To Date	1,535,860.00
Gross Amount Due	385,850.00
Retainage (10%)	38,585.00
Amount Due to Date	347,265.00
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 347,265.00

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 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

20. Approve setting April 13, 2015 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2012-957, 2012-958, 2012-959, 2012-960, 2013-962; Water District Nos. 2012-568, 2013-570; Sanitary Sewer District Nos. 2012-507 and 2013-508.

21. Approve the application for a Special Designated License submitted by Kearney Steak Company, dba Whiskey Creek in connection with their Class IK-035628 catering liquor license to dispense beer, wine, and distilled spirits in The Archway located at 3060 East 1st Street on May 1, 2015 from 4:30 p.m. until 8:00 p.m. for a reception.

22. Approve the application for a Special Designated License submitted by Kearney Dawn Rotary to dispense beer and wine in the Museum of Nebraska Art located at 2401 Central Avenue on April 17, 2015 from 4:00 p.m. until 11:00 p.m. for a fund raiser.

23. Approve the request submitted by Terry Broadfoot to extend Conditional Use Permit No. 2000-03 locating a mining of gravel operation on property located ¾ mile west of Kearney Best Western Plus Mid-Nebraska Inn and Suites (formerly Fort Kearny Inn) and south of Interstate 80 for a period of five years.

24. Adopt **Resolution No. 2015-66** rescheduling the regular Council meeting scheduled for April 14, 2015 at 5:30 p.m. to April 13, 2015 at 5:30 p.m. as required by Section 1-210 of the Kearney City Code.

RESOLUTION NO. 2015-66

WHEREAS, Section 19-615 of the Nebraska Revised Statutes mandates that the council in cities of the first class shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month; and

WHEREAS, according to Section 1-210 of the Kearney City Code, the regular meetings of the Council shall be held on the second and fourth Tuesday of each month; and

WHEREAS, the first regularly scheduled meeting in April falls on April 14, 2015 and three of the Council members are not able to attend the meeting that day.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the regularly meeting scheduled for Tuesday, April 14, 2015 shall be held on Monday, April 13, 2015 at 5:30 p.m. in the Council Chambers at City Hall.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

25. Adopt **Resolution No. 2015-67** reaffirming the Excessive Force Certification prohibiting the use of excessive force against any individual engaged in nonviolent civil rights demonstrations by law enforcement agencies within the City’s jurisdiction as required for receiving federal grant funding.

RESOLUTION NO. 2015-67

WHEREAS, as a requirement for receiving federal grant funding, the City of Kearney is required to adopt an Excessive Force Certification prohibiting the use of excessive force against any individual engaged in nonviolent civil rights demonstrations by law enforcement agencies within the City’s jurisdiction; and

WHEREAS, it has been nearly fifteen years since the City first adopted such a policy, and the Department of Economic Development, as a sub-grantor of the Department of Housing and Urban Development, has requested that the City reaffirm the Excessive Force Certification.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney reaffirms the Excessive Force Certification prohibiting the use of excessive force against any individual engaged in nonviolent civil rights demonstrations by law enforcement agencies within the City’s jurisdiction.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Excessive Force Certification, a copy marked as Exhibit A is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

26. Approve the purchase of a Caterpillar 938M Series Loader submitted by Nebraska Machinery under the National Joint Powers Alliance in the amount of \$207,958.75 to be used in Public Works/Transportation.

27. Adopt **Resolution No. 2015-68** approving the Agreements for Acquisition of Road Right-of-Way with YB Investments, LLC, Turkey Creek Properties, LLC, and Paul and Linda Younes for the purpose of extending 1st Street and drainage for said road and/or City street for the purpose of connecting 1st Street with Kea West Avenue.

RESOLUTION NO. 2015-68

WHEREAS, the City has been working with property owners to develop a roadway that would provide a secondary exit from the motels and convention center that have developed at the I-80 interchange and west of 2nd Avenue; and

WHEREAS, the City has negotiated three agreements for the acquisition of road right-of-way which will allow 1st Street to be extended from 4th Avenue all the way to Kea West Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the Agreements for Acquisition of Road Right-of-Way with YB Investments, LLC, Turkey Creek Properties, LLC, and Paul and Linda Younes for the purpose of extending 1st Street and drainage for said road and/or City street for the purpose of connecting 1st Street with Kea West Avenue be accepted. A copy of the said Agreements, marked as Exhibits “A”, “B” and “C” are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7976 CREATING PAVING DISTRICT NO. 2015-972

Council Member Buschkoetter introduced Ordinance No. 7976 creating Paving Improvement District No. 2015-972 for 29th Street from 6th Avenue to 8th 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 Clouse seconded the motion to suspend the rules. 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, Nikkila, Lammers. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7976 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 7976 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7976 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 YOUNES CENTER THIRD

Mayor Clouse opened for discussion the redevelopment project (Younes Center Third Addition) for Redevelopment Area #8 for an area described as Lot 2, Younes Center Addition and proposed Lots 1 and 2, Younes Center Third Addition all in the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2015-69.

Jon Abegglen, CRA Chairman, presented this matter to the Council. He is requesting the Council approve the Younes tax-increment financing project. CRA approved it on Monday, March 23rd and recommended that it come to City Council for approval as well. The Younes project is a great project for Redevelopment Area #8; it further develops and improves the area, increases the existing real estate tax base and overall has a positive impact on the area. The project consists of three different improvements: a hotel, a new building that would house 2-3 new restaurants, and four residential four-plexes.

The anticipated TIF revenue over a 15-year period from the project once it is completed is \$2,274,000. The CRA believes a policy that ten percent of the TIF gets passed back

to the other political subdivisions. When you look at the 90 percent eligible TIF, it would be approximately \$2 million but the first 25 percent of it is designated to partially fund the west connection to Kea West Avenue from the project so there is another way out of the area. That was driven by an agreement that the developer made with the City that if he develops further beyond the last project that he would address the issue and help fund the necessary improvements to accomplish this.

The remaining 75 percent would go to public infrastructure. This would be paving improvements to 1st Street and 4th Avenue along with some needed sewer and water improvements to service the project. Estimated to be around \$500,000 of the remaining 75 percent of the TIF and the balance of that would go to the developer for onsite improvements that are qualified improvements under the tax-increment financing.

There could be some remaining TIF that they would generate out of the project and that will also come back to the City to address some other issues with infrastructure and improvement of infrastructure at 1st Street and 4th Avenue.

Council Member Lammers asked for clarification when Hampton Inn was constructed, the TIF that was set aside was 20 percent of the revenues. Mr. Abegglen stated he believes that is correct. Council Member Lammers asked was that just for Talmadge Road -- it was not in case the road went further north. Mr. Abegglen stated that was designated to Talmadge Road to service the Hampton Inn property.

Moved by Lammers seconded by Nikkila to adopt **Resolution No. 2015-69** finding that the redevelopment project set forth in the application submitted by Paul and Linda Younes for Younes Center Third 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 up to 90 percent payable until the 15-year TIF period expires be granted; and further move granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Paul and Linda Younes for Younes Center Third. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-69

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 #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 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 described as Lot 2, Younes Center Addition and proposed Lots 1 and 2, Younes Center Third Addition to the City of Kearney, Buffalo County, Nebraska and is currently designated as Parcel ID ***; and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land described as Lot 2, Younes Center Addition and proposed Lots 1 and 2, Younes Center Third Addition to the City of Kearney, Buffalo County, Nebraska and is currently designated as Parcel ID *** is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land described as Lot 2, Younes Center Addition and proposed Lots 1 and 2, Younes Center Third Addition to the City of Kearney, Buffalo County, Nebraska and is currently designated as Parcel ID *** shall be divided, for a period not to exceed 15 years after the effective date of the

provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 24TH DAY OF MARCH, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Buschkoetter that the Open Account Claim in the amount of \$79,539.78 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Nikkila. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

CLOSED SESSION

Moved by Buschkoetter seconded by Clouse that Council adjourn into closed session at 5:51 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss real estate 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 Lammers that Council reconvene in regular session at 6:24 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

VIII. ADJOURN

Moved by Buschkoetter seconded by Clouse that Council adjourn at 6:24 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**