

*Kearney, Nebraska
October 27, 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 October 27, 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; Paul Briseno, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Monte Dakan, Chris Miller, 4 students from UNK, Steve Altmaier from KGFV Radio, Amanda Brandt from Kearney Hub.

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

Two 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.

RECOGNITION OF OUTGOING DOWNTOWN IMPROVEMENT BOARD MEMBER

Mayor Clouse and Council Members recognized Walter Martin for 7 years of service on the Downtown Improvement Board. Mr. Martin was not at the meeting so the plaque of appreciation will be given to him.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

FIXED BASE RADIO READ WATER METERS

Mayor Clouse opened the public hearing to discuss the proposed improvements, impact to rates, and any needed mitigation measures and to meet clean water and drinking water SRF criteria pertaining to the construction of Fixed Base Radio Read water meters and to consider Resolution No. 2015-211.

Chris Miller from Miller & Associates presented this matter to the Council. They are doing some upgrades to the City's water system more specifically on the water meter reading system. The City has approximately 10,000 meters and those meters are in residences, businesses and they record all of the water that flows into the building and that is how they get the revenue stream; that is how they get paid.

Of the 10,000 meters, typically what happens from there, there is a wire that runs outside of the structure and they have a black touch box that is on the outside of the home and it takes a meter technician to walk around and read that every month so they can generate an invoice. Since 2012 with new developments, new buildings or repair of existing meters, they have been replacing them with a radio read system. Instead of having to go touch it, they can drive by with a handheld and read the meter as they drive down the block. They currently have approximately 1,100 of the meters in the system.

What they want to do is instead of having 16 days or 400 man hours to read the meters every month, they would install radio units that would transmit a signal that would give the readings and transmit it back and they can generate an invoice. What they would do with the extra time then is to fix leaks, inspections and repair meters because this is revenue stream. They have some meters that are 20 years old that are not getting replaced because they do not have time for it but now they can go and upgrade.

They will upgrade the reading part of the meters. The outside box is a 4" x 4" box has a radio transmitter in it. They propose two tower base stations in Kearney. When they want to take a meter reading they transmit a signal which awakens the box and it takes the reading off the meter and sends it back to the base station and then shuts back down. It is only transmitting for a short amount of time but enough to get the reading to the base station.

From there all the data that is collected from both towers, some information will repeat. They have a Regional Network Interface that will take the data, manipulate it and get it ready for invoices and then go to billing software.

For the proposed based station locations, they are going to use two existing facilities to get coverage; the existing west water tower on 39th Street and 30th Avenue. That tower

is a good location because it covers the higher part of town and the lower part of town they can use the existing antenna at the City's Utility Building. From there the towers are in secure locations inside buildings that would collect the data and transmit it to the City Office for billing.

For a timeline they are looking to approve specifications and advertise for bids in November, they will receive and award bids in December and start prepping the paperwork and get everything ordered. They will not complete an SRF loan application until July 2016. The reasoning is because there is a timeline on them, they have approximately three years to use their money and they want the time clock to start as late as possible. They do it in 6-month increments so if they sign the loan papers before June then it starts right away.

They are looking to be completely in 2019. The first year they will be buying the base stations, the interface and 3,000 new transmitters and City staff will install them. The second year they will purchase and install 3,000 more. The final year they will purchase and install the remaining and will have the full system integrated by 2019.

Finance Director Wendell Wessels talked about NPPD looking at expanding their smart meters, none are in Kearney yet but if they decide to go to smart read in Kearney, they can use the same towers for the base stations. Mr. Miller confirmed that NPPD can use them; however, in order to have that much data they may need a third base station to collect and analyze data.

Council Member Nikkila asked how easy it would be to make the switch on an existing meter. Mr. Miller stated it is very easy, the black part that remains, the boxes clip right onto it. They are not losing any capabilities they are adding. They will program everything from outside and convert.

Council Member Lammers commented there is a significant cost and effort to do this project. With new technology coming along all the time is there concern once this is done, there will be new technology. Mr. Miller stated that is a possibility but Fixed Based Radio is the current cutting edge. They have had touch reads which is a couple steps back, you have a hand held unit you drive around in a vehicle and that is the next step for a smaller size community. The Fixed Base Radio software can be updated locally and if any hardware upgrades like a tower, they just upgrade the tower.

Finance Director stated the City has been putting this off for several years waiting for the right time.

Council Member Buschkoetter asked about the life of a system like this. Mr. Miller stated the radio transmitters have battery life of approximately 20 years and they are replaceable. The meters themselves are 20-year lifespan typically for residential. Electrical if there is a software upgrade he is guessing they will get those every year.

There was no one present that spoke in opposition or otherwise to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-211** approving the proposed improvements, impact to rates, and any needed

mitigation measures and to meet clean water and drinking water SRF criteria pertaining to the construction of Fixed Base Radio Read water meters. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-211

WHEREAS, the City of Kearney, Nebraska recognizes that a properly functioning public water supply system is necessary to the health and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined that portions of the City public water supply system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the City public water supply system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that they should execute the contract for loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska designated as Project No. D311607, incorporated by reference into this Resolution as if fully set forth.

BE IT FURTHER RESOLVED that Stanley A. Clouse, Mayor, is hereby directed to execute the contract and all other documents necessary to facilitate the loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska for the purpose of repairing and improving the City public water supply system.

BE IT FURTHER RESOLVED that Michaëlle E. Trembly, City Clerk, be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 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 Lear that Subsections 1 through 16 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held October 13, 2015.

2. Approve the following Claims:

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

1000bulbscom \$405.31 smcs; 4Imprint \$2,077.91 smcs; A Wireless \$74.86 smcs; AAA

Party Rental \$53.50 smcs; AAA Rents and Event \$114.64 smcs; AAA Tarps \$542.00 smcs; Ace Hardware \$65.46 smcs; Agent Fee \$60.00 smcs; Airline Limousine \$15.00 smcs; All Makes Auto \$2,984.21 smcs; All Makes Auto \$363.98 smcs; Allied Electronics \$159.18 smcs; Amazon \$6,281.39 smcs,co; American \$978.09 smcs; Amer First Aid \$424.29 smcs; Amer Legion \$95.80 smcs; Amer Library Assn \$305.00 smcs; APWA \$900.00 smcs; Amer Red Cross \$133.00 smcs; Americinn \$97.61 smcs; Ampco Parking \$38.00 smcs; Andersen Wrecking \$29.95 smcs; Apple Online \$758.00 smcs; Arbor Day Foundation \$35.00 smcs; Arp,R \$594.00 smcs; Arrow Stage Lines \$1,326.00 smcs; Ask Supply \$1,917.29 smcs; Associated Bag \$1,061.04 smcs; Atlas Technology \$59.95 smcs; Auto Value Parts \$1,089.30 smcs; Baker & Taylor \$2,499.55 smcs; Barney Abstract \$240.00 smcs; Barney Ins \$18,031.50 smcs; Bed Bath & Beyond \$106.95 smcs; Best Western \$92.73 smcs; Bestbuycom \$181.88 co; Big Apple \$2,698.00 co; Big Rack Shack \$1,100.00 smcs; Blackstone Audio Books \$221.24 smcs; BlueCross/BlueShield \$234,879.63 smcs; Boardtronics \$610.60 smcs; Borer,K \$100.00 smcs; Bosselman \$171.25 smcs; Boxwood Technology \$244.00 smcs; Briseno,P \$160.50 smcs; Broadfoot Sand & Gravel \$45.00 smcs; Broadfoots \$1,944.00 smcs; Bruha,S \$130.00 smcs; BSN Sport Supply \$641.37 smcs; Buffalo Co Treasurer \$12.00 smcs; Buffalo Outdoor Power \$814.48 smcs; Buggy Bath Car Wash \$10.00 smcs; Builders \$1,481.28 smcs,co; Cabela's \$447.48 smcs; Camera Doctor \$175.37 smcs; Carls Place \$350.00 co; Carolina Environmental \$520.51 smcs; Carquest \$4,535.94 smcs; Casey's \$61.13 smcs; Cash Wa \$2,209.61 smcs; CCI Solutions \$238.52 smcs; CDW Govt \$4,912.02 co; Center Point Publishing \$71.41 smcs; Central District Health \$4,495.00 smcs; Central Hydraulic \$1,137.08 smcs; Central NE Bobcat \$133.63 smcs; Chancellor,V \$32.75 smcs; Charter \$476.13 smcs; Chemsearch \$305.00 smcs; Chicken Coop \$50.00 smcs; Cintas \$592.61 smcs; City of Ky \$28,545.36 co,smcs,ps; Clevenger Oil \$24.30 smcs; Clipper Publishing \$70.00 smcs; CM Squared \$3,147.00 smcs; CNA Ins \$40.00 smcs; Coldspring \$232.20 smcs; Collins,B \$47.37 smcs; Comm. Act Part of Mid-NE \$450.00 smcs; Compass Tools \$295.00 smcs; Compufox USA \$135.00 co; Conseco Life Ins \$19.00 ps; Constantcontactcom \$504.00 smcs; Construction Rental \$2,207.53 smcs,co; Container.com \$101.10 smcs; Cook,B \$22.41 smcs; Copycat \$410.74 smcs; Cornhusker Cleaning \$419.00 smcs; Cotez-Garcia,A \$33.27 smcs; Creative Teacher \$12.28 smcs; Crown Awards \$342.82 smcs; Culligan \$102.50 smcs; Cummins \$1,671.89 smcs; Davis Equipment \$1,523.62 smcs; Dawson PPD \$42,214.66 smcs; Delehant,T \$27.78 smcs; Delight Donuts \$57.00 smcs; Dell \$831.56 smcs; Dell Marketing \$5,207.40 smcs; Delta Air \$2,648.70 smcs; Diamond Tours \$3,375.00 smcs; Dish \$100.00 smcs; Displays2gocom \$189.54 smcs; Dog Poop Bags \$371.73 smcs; Douglass Industries \$281.67 smcs; DPC Industries \$20,757.39 smcs; Dreamstimecom \$39.00 smcs; Duane Svec Advertising \$358.11 smcs; Eakes \$1,408.86 smcs; Economic Development \$145,000.00 smcs; Elliott Equipment \$2,775.00 smcs; EMC Ins \$606,255.29 smcs; Enterprise \$539.95 smcs,co; Erich,D \$156.40 smcs; Eustis Body Shop \$100.00 smcs; Expression Wear \$571.00 smcs; Facebook \$82.10 smcs; FactoryOutletStorecom \$559.95 smcs; Fairbanks \$1,021.83 smcs; Family Fresh Market \$36.09 smcs; Fastenal \$268.61 smcs; Fearnley,M \$128.70 smcs; Flashybaycom \$997.50 smcs; Flynn,B \$107.59 smcs; Friesen Chevrolet \$201.11 smcs; Frontier \$9,471.56 smcs; Fuel Tech \$1,131.27 smcs; Fun Express \$27.53 smcs; Gale \$851.53 smcs; Gannon Travel \$70.00 smcs; Garrett Tires \$6,707.68 smcs; Gear For Sports \$1,404.82 smcs; Gomez,A \$20.70 smcs; Gopher Sport \$198.78 smcs; Grainger \$1,577.54 smcs; Hali-Brite \$417.04 smcs; Hardware Sales \$112.12 smcs; HD Supply \$735.10 smcs; Hilti \$1,244.00 smcs,co; Hinrichsen,B \$142.00 smcs; Hireright \$12.04

smcs; Hobby-Lobby \$198.76 smcs; Holmes Plbg \$829.48 smcs; Hometown USA \$265.92 smcs; Hooker Bros \$208.56 smcs; HWS \$260.00 smcs; Hyatt Hotels \$600.50 smcs; Hyvee \$3.62 smcs; ICMA \$4,345.72 ps; IKEA \$122.73 smcs; Insite Instrumentation \$52.00 smcs; IRS \$148,304.58 ps; Itunes \$6.41 co; Jack Lederman \$1,434.26 smcs,co; James,D \$100.00 smcs; Jimmy Johns \$94.78 smcs; John Deere Landscapes \$1,076.07 smcs,co; Johnson Controls \$504.66 smcs; Ky Chamber of Com \$25.00 smcs; Ky Clinic \$2,147.00 ps; Ky Concrete \$10,934.56 smcs,co; Ky Crete & Block \$685.09 smcs,co; Ky Hub \$4,439.21 smcs; Ky Noon Rotary \$190.00 smcs; Ky Quality Sew \$13.97 smcs; Ky Towing \$156.25 smcs; Ky Warehouse \$2,499.71 smcs; Ky Winlectric \$277.21 smcs; Ky Winnelson \$179.18 smcs; Kelly Supply \$337.50 smcs; Konica Minolta \$1,573.6 smcs; Kuhlman,C \$18.82 smcs; Landmark Implement \$2,267.00 smcs; Lands End \$531.47 smcs; Lane,B \$39.23 smcs; Lawson Products \$50.00 smcs; League of NE Municipalities \$305.00 smcs; Lifeguard Store \$479.69 smcs; Linkedin \$204.00 smcs; Lowe Group \$662.16 smcs; Mac Tools \$26.99 smcs; Mail Express \$196.46 smcs; Marlow White Uniforms \$354.00 smcs; Marpa Group \$125.00 smcs; Matheson Tri-Gas \$163.70 smcs; McDowell,J \$100.00 smcs; MDI Worldwide \$634.57 smcs; Menards \$6,385.48 smcs,co; MF Athletic \$61.80 smcs; Midlands Contracting \$4,000.00 smcs; Mid-Plains Equipment \$2,895.00 co; Midwest Breathing \$201.33 smcs; Midwest Turf \$507.67 smcs; Miller & Associates \$147.30 co; Miller Signs \$270.00 smcs; Miller Signs \$1,740.00 smcs; Mirror Image \$100.00 smcs; Moonlight Embroidery \$468.15 smcs; Moonlight Embroidery \$5,180.23 smcs; Morgan,M \$709.06 smcs; Municipal Supply \$7,319.42 smcs; Museum of NE Art \$4,182.35 smcs; Nat'l Recreation \$800.00 smcs; Nat'l Biz Furniture \$438.00 smcs; NCL of Wisconsin \$791.94 smcs; NE Child Support Center \$2,233.89 ps; NE Dept of Environmental \$17,081.88 smcs; NE Dept of Revenue \$91,084.24 smcs; NE Dept of Agriculture \$186.68 smcs; NE Dept of Labor \$760.00 ps; NE Golf Assn \$540.00 smcs; NE Library Assn \$305.00 smcs; NE Library Comm. \$3,179.00 smcs; NE Machinery \$194.22 smcs; NE Peterbilt \$325.96 smcs; NE Public Health \$2,557.00 smcs; NE Statewide Arboretum \$130.00 smcs; NE Truck Center \$544.93 smcs; NEland Distrib \$528.50 smcs; New Directions \$10,745.84 ps; Nicolen,M \$75.00 smcs; Nielsen,B \$100.00 smcs; Norhtwestern Energy \$1,841.78 smcs; NY Hotel & Casino \$384.16 smcs; OCLC \$630.59 smcs; Office Max/Office Depot \$773.62 smcs,co; O'Hara Lindsay & Assoc \$2,000.00 smcs; Olsson Associates \$18,158.82 co; Omaha World Herald \$156.00 smcs; One Call Concepts \$516.60 smcs; O'Reilly Auto \$452.31 smcs; Oriental Trading \$50.00 smcs; Orscheln \$768.63 smcs; Otto Environmental \$7,506.00 smcs; P&W Golf \$695.90 smcs; Palu,S \$85.00 smcs; Panowicz,K \$96.00 ps; Paramount \$267.87 smcs; Party America \$61.15 smcs; Paypal \$891.85 smcs; Paypal Ebay Marketplace \$1,215.36 smcs,co; Pet Pick Ups \$365.10 smcs; Pinpros \$830.00 smcs; Pioneer Mfg \$746.25 smcs; Platte Valley Auto \$2,995.71 smcs; Platte Valley Comm \$10.00 smcs; Pot O' Gold \$155.00 smcs; Prestige Group \$250.00 smcs; Presto-X \$547.9 smcs; Provantage \$683.59 smcs; Pumps of Oklahoma \$144.40 smcs; Quill \$305.01 smcs; Rainbow Racing \$155.15 smcs; Random House \$377.25 smcs; RDO Truck Center \$1,850.90 smcs; Ready Mixed Concrete \$14,718.26 smcs,co; Reams \$2,273.24 smcs; Reams Sprinkler Supply \$23.80 smcs; Recreonics \$390.42 smcs; Redman's Shoes \$436.98 smcs; Research Tech Intl \$12,469.00 co; RR Donnelley \$392.14 smcs; S&S Worldwide \$27.93 smcs; Safelite Autoglass \$215.61 smcs; Sahling Kenworth \$271.17 smcs; Sanitation Products \$634.50 smcs; Sapp Bros \$18,172.00 smcs; Scholastic \$1,205.00 smcs; Sears Hometown \$431.88 smcs; Searscom \$17.19 smcs; See Clear Cleaning \$350.00 smcs; Sequel Bookshop \$50.00 smcs; Shafto,B \$154.10 smcs; Sherwin

Williams \$104.27 smcs; Shortall,C \$36.51 smcs; Shotkoski Services \$110.95 smcs; Siddons Martin Emergency \$578.11 smcs; Sign Center \$420.00 smcs; Sirsi Corp \$4,890.00 smcs; Sixel Consulting Group \$4,076.11 smcs; Snap-On Tools \$549.01 smcs; Sperling,A \$46.66 smcs; Sprinkler Warehouse \$192.98 co; Stampscom \$4.99 smcs; Steinbrink Landscaping \$2,184.76 smcs,co; Strategic Materials \$360.88 smcs; Sunbelt Rentals \$310.31 smcs; Supplyhousecom \$52.35 smcs; Supplyworks \$56.88 smcs; Target \$359.30 smcs; TeeMark Mfg \$11,894.27 co; The Depository Trust \$15,916.25 ds; Thompson,J \$42.25 smcs; Ticket Omaha \$805.00 smcs; Tielke Enterprise \$81.26 smcs; Titan Machinery \$137.25 smcs; TM Sporting Goods \$282.65 smcs; Tractor-Supply \$2,459.04 smcs; Trafficguard Direct \$489.00 smcs; Trans Iowa Equipment \$148.45 smcs; Turfwerks \$75.60 smcs; Uline \$359.79 smcs; Union Bank & Trust \$69,659.90 ps; Unique Management \$429.60 smcs; United Labs \$391.28 smcs; United Seeds \$3,527.50 smcs; UNMC Web \$275.00 smcs; UPS \$218.68 smcs; USA Communications \$150.95 smcs; USPS \$168.29 smcs; Van Diest Supply \$899.68 smcs; Verizon \$154.90 smcs; Vessco \$1,211.88 smcs; Walgreens \$37.44 smcs; Walmart \$2,327.03 smcs,co; Water Environment \$124.00 smcs; Waterlink \$668.73 smcs; Webstaurant Store \$660.34 smcs; Wef Wythe \$70.00 smcs; Wehrman,H \$44.29 smcs; Weis Equipment \$260.00 smcs; Wells Fargo \$110,576.31 ds; Wick's Sterling Trucks \$169.92 smcs; Wilke's True Value \$319.28 smcs; Work Boots USA \$106.95 smcs; WPCI \$107.00 ps; Zinghoppers Group \$125.00 smcs; Zoro Tools \$259.68 smcs; Payroll Ending 10-17-2015 -- \$394,311.55. 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 November 10, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Monte Dakan submitted by Event Center Operations, LLC, dba Tri City Events Center in connection with their Class CK-084864 liquor license and located at 609 Platte Road.
5. Approve setting November 10, 2015 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Water District Nos. 2014-574 and 2014-575; Sanitary Sewer District Nos. 2014-512 and 2014-513.
6. Adopt Resolution No. 2015-212 approving Application and Certificate for Payment No. 4 in the amount of \$133,309.01 submitted by Blessing LLC and approved by Olsson Associates for the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden's Addition.

RESOLUTION NO. 2015-212

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 6 Improvements consisting of Paving Improvement District No. 2014-965 for Avenue N from 25th Street north to the north line of Lot 3, Hartman & Dryden's Addition, and the City's engineer, Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of

\$133,309.01 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$872,819.97
Change Order No. 1 (9-22-2015)	<u>+ 96,221.75</u>
Contract Sum To Date	969,041.72
Gross Amount Due	801,585.52
Retainage (5%)	40,079.28
Amount Due to Date	761,506.24
Less Previous Certificates for Payment	<u>628,197.23</u>
Current Payment Due	\$133,309.01

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 is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Approve the Plans and Specifications for construction of the Cemetery Retaining Wall and set the bid opening date for November 17, 2015 at 2:00 p.m.

8. Adopt Resolution No. 2015-213 approving Application and Certificate of Payment No. 1 in the amount of \$602,045.10 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2015 Part 8 Improvements consisting of Paving Improvement District No. 2015-973, Water District No. 2015-577, Sanitary Sewer District No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition; Paving Improvement District No. 2015-974 and Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition.

RESOLUTION NO. 2015-213

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with the 2015 Part 8 Improvements consisting of Paving Improvement District No. 2015-973, Water District No. 2015-577, Sanitary Sewer District No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition; Paving Improvement District No. 2015-974 and Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$602,945.10 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$845,939.25</u>
Contract Sum To Date	845,939.25
Gross Amount Due	669,939.00

Retainage (10%)	66,993.90
Amount Due to Date	602,945.10
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$602,945.10

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 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

9. Adopt Resolution No. 2015-214 approving Application and Certificate of Payment No. 2 in the amount of \$45,590.40 submitted by Blessing, LLC and approved by Miller & Associates for the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue.

RESOLUTION NO. 2015-214

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2015 Part 7 Improvements; 3rd Street from 5th Avenue to Kea West Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$45,590.40 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$281,250.00
Change Order No. 1 (7-14-2015)	<u>- 43,652.50</u>
Contract Sum To Date	237,597.50
Gross Amount Due	79,456.00
Retainage (10%)	7,945.60
Amount Due to Date	71,510.40
Less Previous Certificates for Payment	<u>25,920.00</u>
Current Payment Due	\$ 45,590.40

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

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

10. Adopt Resolution No. 2015-215 approving Application and Certificate of Payment No. 3 in the amount of \$60,432.30 submitted by GD Concrete Construction and approved by Miller & Associates for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps.

RESOLUTION NO. 2015-215

WHEREAS, GD Concrete Construction of Overton, Nebraska has performed services in connection with the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$60,432.30 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$215,620.00</u>
Contract Sum To Date	215,620.00
Gross Amount Due	161,815.00
Retainage (10%)	16,181.50
Amount Due to Date	145,633.50
Less Previous Certificates for Payment	<u>85,201.20</u>
Current Payment Due	\$ 60,432.30

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

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

11. Adopt Resolution No. 2015-216 approving Change Order No. 2 showing an increase in the amount of \$1,903.13 and Application and Certificate of Payment No. 4 in the amount of \$299,158.22 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 11 Improvements – Bid B consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner.

RESOLUTION NO. 2015-216

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 11 Improvements – Bid B consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$1,903.13, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and;

WHEREAS, Blessing Construction and Miller & Associates, have filed with the City

Clerk Application and Certificate for Payment No. 4 in the amount of \$299,158.22 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,814,396.00
Change Order No. 1 (5-26-2015)	<u>+ 40,765.12</u>
Contract Sum To Date	1,855,161.12
Gross Amount Due	656,220.42
Retainage (10%)	65,622.04
Amount Due to Date	590,598.37
Less Previous Certificates for Payment	<u>291,440.15</u>
Current Payment Due	\$ 299,158.22

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A" and Application and Certificate for Payment No. 4, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

12. Adopt Resolution No. 2015-217 approving Change Order No. 1 showing an increase in the amount of \$65,890.00 and Application and Certificate of Payment No. 2 in the amount of \$25,843.77 submitted by Ramos Construction and approved by Miller & Associates for the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1.

RESOLUTION NO. 2015-217

WHEREAS, Ramos Construction of Shelton, Nebraska has performed services in connection with the 2015 Part 9 Improvements; Hike-Bike Trail Phase 1, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$65,890.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and;

WHEREAS, Ramos Construction and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$25,843.77 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$219,556.00
Change Order No. 1 (10-27-15)	<u>+ 65,890.00</u>
Contract Sum To Date	285,446.00
Gross Amount Due	214,538.00
Retainage (1%)	2,145.38
Amount Due to Date	212,392.62
Less Previous Certificates for Payment	<u>186,548.85</u>
Current Payment Due	\$ 25,843.77

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" and Application and Certificate for Payment No. 2, as shown on Exhibit "B", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

13. Adopt Resolution No. 2015-218 approving Application and Certificate of Payment No. 12 in the amount of \$262,810.76 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. 2015-218

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. 12 in the amount of \$262,810.76 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$5,513,218.10
Change Order No. 1 (5-12-2015)	+ \$36,900.00
Change Order No. 2 (5-12-2015)	+ <u>\$4,814.00</u>
Contract Sum To Date	5,554,932.10
Gross Amount Due	5,333,327.55
Retainage (10%)	533,332.76
Amount Due to Date	4,799,994.80
Less Previous Certificates for Payment	<u>4,537,184.04</u>
Current Payment Due	\$ 262,810.76

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. 12, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

14. Adopt Resolution No. 2015-219 approving Application and Certificate for Payment No. 8 in the amount of \$21,314.20 submitted by Midlands Contracting and approved by Miller & Associates for the UV Disinfection Building at the Platte River Well Field.

RESOLUTION NO. 2015-219

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. 8 in the amount of \$21,314.20 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	1,535,860.00
Retainage (5%)	76,793.00
Amount Due to Date	1,459,067.00
Less Previous Certificates for Payment	<u>1,437,752.80</u>
Current Payment Due	\$ 21,314.20

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. 8, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

15. Adopt Resolution No. 2015-220 approving Application and Certificate for Payment No. 3 in the amount of \$67,635.80 submitted by RMV Construction and approved by Miller & Associates for the Household Hazardous Waste Collection Facility.

RESOLUTION NO. 2015-220

WHEREAS, RMV Construction Company of Kearney, Nebraska has performed services in connection with the Household Hazardous Waste Collection Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$67,635.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$525,227.56
Change Order No. 1 (9-22-15)	<u>- 3,672.00</u>
Contract Sum To Date	521,555.96

Gross Amount Due	210,440.00
Retainage (10%)	21,044.00
Amount Due to Date	189,396.00
Less Previous Certificates for Payment	<u>121,761.00</u>
Current Payment Due	\$ 67,635.00

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

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

16. Adopt Resolution No. 2015-221 accepting the bids received for the 2015 Part 11 Improvements consisting of Paving Improvement District No. 2015-976 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block Three, Park View Estates Eighth Addition; Paving Improvement District No. 2015-977 for 8th Street from 17th Avenue east to 16th Avenue; Water District No. 2015-579 and Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue and award the bid to Midlands Contracting in the amount of \$473,899.00 for Bid A (water and sewer) and to Dan Roeder Concrete in the amount of \$669,200.00 for Bid B (paving).

RESOLUTION NO. 2015-221

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on October 15, 2015 at 2:00 p.m. for the 2015 Part 11 Improvements consisting of Paving Improvement District No. 2015-976 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block Three, Park View Estates Eighth Addition; Paving Improvement District No. 2015-977 for 8th Street from 17th Avenue east to 16th Avenue; Water District No. 2015-579 and Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$526,539.00 for Bid A (Water and Sanitary Sewer) and \$644,457.00 for Bid B (Paving); and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$473,899.00 for Bid A (Water and Sanitary Sewer) be accepted as the lowest responsible bid for the 2015 Part 11 Improvements – Bid A consisting of consisting of Water District No. 2015-579 and Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue; and

WHEREAS, Miller & Associates has recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$669,200.00 for Bid B (Paving) be

accepted as the lowest responsible bid for the 2015 Part 12 Improvements – Bid B consisting of Paving Improvement District No. 2015-976 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block Three, Park View Estates Eighth Addition; Paving Improvement District No. 2015-977 for 8th Street from 17th Avenue east to 16th Avenue.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted and approved, that Midlands Contracting be and is the lowest responsible bidder for the 2015 Part 11 Improvements – Bid A to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting in the amount of \$473,899.00 be and is hereby accepted.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted and approved, that Dan Roeder Concrete be and is the lowest responsible bidder for the 2015 Part 12 Improvements – Bid B to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$669,200.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost in the amount of \$526,539.00 for Bid A (Water and Sanitary Sewer) and \$644,457.00 for Bid B (Paving) be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. Adopt Resolution No. 2015-222 accepting the Warranty Deed from the Economic Development Council of Buffalo County, Inc. for part of Lots 5 and 10 in Proposed Industrial Subdivision of Kearney Air Field, Kearney, Nebraska located in Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2015-222

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 and voted in favor to proceed with the acquisition; and

WHEREAS, Economic Development Council of Buffalo County, Inc., a Nebraska Non-Profit Corporation has granted to the City of Kearney, Nebraska a Warranty Deed for Part of Lots 5 and 10, in Proposed Industrial Subdivision of Kearney Air Field, Kearney, Nebraska located in Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, described as follows: Beginning at the Northeast Corner of Lot 5; thence West along the North Line of said Lot 5 and the North line of

said Lot 10, a distance of 783.6 feet to the West line of Lot 10; thence South along the West line of Lot 10 a distance of 256.2 feet; thence East parallel with the North line of said tracts a distance of 622.9 feet; thence South 128.0 feet to a point on the South line of Lot 5; thence East along the South line of Lot 5, 161.1 feet to the East line of Lot 5; thence North along the East line of Lot 5, 384.65 feet to the place of beginning, containing 5.09 acres, more or less, 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 Economic Development Council of Buffalo County, Inc., a Nebraska Non-Profit Corporation to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8039 SELLING PART OF TECH ONE FIRST

This item and Subsection 17 of the Consent Agenda go together. At the July 21 special meeting, City Council approved a Memorandum of Understanding on Xpanxion, a project at the Tech Park. As part of that Agreement, the City agreed to convey to the Economic Development Council of Buffalo County a parcel at the City's Tech Park approximately 30 acres and would exchange this property with the Development Council for a 5-acre parcel that the Development Council owns at the Powermate/Pramac Building site. City staff determined that it would be best to wait on deeds for this transfer until after the Tech Park property had been platted and now that the Plat has been approved, we can proceed with an exchange of deeds as previously approved by City Council. There will be no financial compensation either way between the City and the Development Council as a part of this transaction. The deeds will involve exchanging each party's interests in land as indicated in the earlier agreement.

Council Member Lear introduced Ordinance No. 8039 authorizing and directing the sale and conveyance of Lots 1, 2 and 3 of Block One, Tech One First Subdivision, a subdivision being a part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska to the Economic Development Council of Buffalo County, Inc., and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to 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, Lear, Nikkila, Lammers. 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. 8039 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, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8039 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8039 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

PROSELECT STORAGE FACILITY, 1115 WEST 16TH STREET

Mayor Clouse opened for discussion the redevelopment project (ProSelect Storage Facility) for Redevelopment Area #5 for an area described as Lot 2, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1115 West 16th Street) and to consider Resolution No. 2015-223.

City Manager Michael Morgan presented this matter to the Council. He stated this a storage facility project that has been approved by the CRA. This is an area along 16th Street that has been challenging so the CRA looked aggressively in the area to assist with these types of projects.

Moved by Clouse seconded by Lammers finding that the redevelopment project set forth in the application submitted by ProSelect, Inc. 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 anticipated TIF valuation up to a maximum of \$51,624 payable until the 10-year TIF period expires be granted for site development costs including dirt work and paving and to adopt Resolution No. 2015-223 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with ProSelect, Inc. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-223

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

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

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #5 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land described as Lot 2, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska and designated as Parcel ID 600047202; 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, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska and designated as Parcel ID 600047202 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, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County,

Nebraska and designated as Parcel ID 600047202 shall be divided, for a period not to exceed 10 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 27TH DAY OF OCTOBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$609.61 payable to Stan Clouse and in the amount of \$114,181.93 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

Moved by Nikkila seconded by Buschkoetter that the Open Account Claim in the amount of \$82.80 payable to Bruce Lear be allowed. Roll call resulted as follows: Aye:

Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:47 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**