

Kearney, Nebraska
April 23, 2013
7:00 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on April 23, 2013, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: Randy Buschkoetter. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Mitch Humphrey, Tim Norwood, Mark Benjamin, Tom Henning, Tom Fuller, Tony Daley, Eric Hellriegel, Michael Lewis, Marvion Reichert, Matthew Young, Mr. and Mrs. Young, Jason Koettters, 5 police officers, Steve Altmaier from KGFW Radio, Adam Konruff 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

MOMENT OF SILENT PRAYER

The Council held a moment of silent prayer.

PLEDGE OF ALLEGIANCE

The Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

OATH OF OFFICE

City Clerk administered the Oath of Office to Police Officer Matthew Young.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING AT 202, 206, 208, 210 WEST 29TH STREET AND 2824 2ND AVENUE

Moved by Lammers seconded by Nikkila to remove from the table the application to rezone property located at 202, 206, 208, 210 West 29th Street and 2824 2nd Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Nancy Norwood (Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lots 1, 2, 3, 4 of Block 29, Perkins & Harfords Addition to the City of Kearney, Buffalo County, Nebraska, excepting that part of said Lot 1 deeded to the State of Nebraska Department of Roads (202, 206, 208, 210 West 29th Street and 2824 2nd Avenue) and consider Ordinance No. 7787. Planning Commission recommended approval.

The applicant is requesting rezoning from R-2, Urban Residential Mixed-Density District to UC, Mixed Use Urban Corridor District, for property that includes approximately 130 feet of frontage on 2nd Avenue and approximately 185 feet westward along the south side of West 29th Street. An alley borders the south side of this property. The majority of this area is already zoned UC, with adjacent property to the north and south along 2nd Avenue zoned as such. This stretch of 2nd Avenue has benefited in recent years from the change from residential to commercial use and the resulting infill development. At this point, the applicant has no specific use or development proposal in mind. The request today is simply for rezoning of the property. The Public Works Department will not allow access from 2nd Avenue when this property is developed in the future.

One of the adjacent property owners to the south, on the other side of the alley, was opposed to this rezoning when it went before Planning Commission. Jim Ganz stepped down as Chairman of the Planning Commission and spoke on the neighbor's behalf, explaining to the Commission that his client is concerned with some of the potential uses that are allowable in UC zoning as well as concerns about traffic, noise, and lighting that are inherent in commercial development. The Planning Commission, however, recommended approval of the rezoning request.

This rezoning request has been tabled three times at the Council level so that the applicant could meet with the neighbor to discuss issues of concern and hopefully come to some mutual resolution. The applicant has been able to work with the neighboring property owner to address his concerns and the rezoning request from R-2 to UC can now move forward without opposition.

Mitch Humphrey presented this matter to the Council. This project entails four lots that are located on the south side of 29th Street which is the east-west street on the north

side of the lots, west of 2nd Avenue. Presently, a good portion of the neighborhood abutting 2nd Avenue is zoned District U-C with the outlined areas over the years having District R-2 which is a low density residential district zoning. The U-C zoning classification was brought about with a study that Marty Shukert did prior to the adoption of the unified land development ordinance. That allowed owners or developers to acquire properties and merge ownerships so they can develop 2nd Avenue basically north of 25th Street up into the hospital neighborhood or the area at the Kearney Clinic. Offices and clinics is a broad scope of businesses there. The area long 2nd Avenue according to the land use map is Mixed Use 1 which allows for a mix of development housing, light businesses, and non-retail office space. Mr. Norwood has developed several properties along 2nd Avenue, one being essentially north, and then across the street to the south.

This property consists of five residential structures, one faces off of 2nd Avenue with the other four facing to the north that they are requesting to zone to U-C. An adjacent property owner had concern on the rezoning of this property and Mr. Norwood has addressed those concerns and they have resolved the concerns.

Mayor Clouse stated the main concern of the Council was that those issues be resolved. Mr. Humphrey stated they resolved their differences and came to a positive resolution.

City Manager Michael Morgan asked what the status is with 2824 which is a non-conforming use of access to 2nd Avenue; the City for some time has been expecting to get that resolved. Mr. Humphrey stated that with the development of this property, all of the structures would go.

Council member Lammers stated that it is a logical usage for that whole corridor going up and down 2nd Avenue and did not have any concerns.

Tim Norwood, 4411 Sunset Trail, stated they are requesting the rezoning but the challenges they have addressed is limiting curb cuts on any of the 2nd Avenue corridor. This would be no different than any other project. They will have the alley access to come off of 2nd Avenue and then on 29th Street. They want to make sure they provide the curb cut far enough back so not to interfere with any staking problems on 29th Street. There are currently two residential curb cuts that will go to one and will be as far back onto 2nd Avenue as the development will allow. They usually take properties that have become run down for one reason or another along 2nd Avenue and change the use of the property into something that is more economical for everybody involved and at the same time we take care of a lot of curb cut issues.

Council member Nikkila asked why the piecemeal process of rezoning; you can have a single family home in a U-C zoning so why not run it up and down 2nd Avenue between Highway 30 and 39th Street. Mr. Norwood stated that one of the challenges of developing in those areas is that you have to acquire a number of lots to do a project. These four lots took six years to acquire and there is no real reason for anybody that is just using them as residential use to request any rezoning, so until you acquire all of them and make the request to rezone.

City Manager stated the intent was that was available to be done but certainly when people are living in single family residential zoning district they were allowed to stay that way so it was more of a land use plan that suggested this is what we need to do to move forward. He appreciated what Mr. Norwood is saying there has been a significant elimination of curb cuts. With regard to the 2nd Avenue corridor and the transportation study, that is a critical part of improving traffic flow on 2nd Avenue. There is no doubt that when this develops that will be very helpful and important to the City.

Mark Benjamin, 223 West 28th Street, stated he lives across the alley to the southwest property. He was the one that brought forth the concerns and he appreciated the opportunity to visit with every one of the Council members and also appreciated the opportunity to visit with City staff. Conversations were positive in terms of resolutions to this matter and provided valuable information ending in a positive resolution to this issue. Mr. Norwood has been very accommodating in this process. He is promoting the request for the U-C zoning although he did not agree that it is perfect application for the situation. The first two lots abutting 2nd Avenue are very great for when you back into neighborhood you have to look at what is happening in that neighborhood and if you look at his neighborhood, you see a lot of revitalization happening so you have to be very careful in the application of that zone. Mr. Norwood, in their discussions, has been very sensitive to that issue and what they have put together a process/agreement that has addressed his concerns. There may be others issues that could develop and he has the right to come back through City and voice his objections.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Buffalo Surveying Corp. (Applicant) for Nancy Norwood (Owner) to rezone from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as Lots 1, 2, 3, 4 of Block 29, Perkins & Harfords Addition to the City of Kearney, Buffalo County, Nebraska, excepting that part of said Lot 1 deeded to the State of Nebraska Department of Roads (202, 206, 208, 210 West 29th Street and 2824 2nd Avenue) and introduced Ordinance No. 7787 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 7787. 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, Lear. Nay: None. Buschkoetter 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. 7787 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, Lear. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Clouse that Ordinance No. 7787 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers,

Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7787 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.

NEBRASKA AFFORDABLE HOUSING PROGRAM GRANT

Mayor Clouse opened the public hearing on the application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant for the construction of two new duplexes located at 1804 8th Avenue and consider Resolution No. 2013-60.

Assistant City Manager/Development Services Director Suzanne Brodine stated the City of Kearney has submitted a pre-application for a Nebraska Affordable Housing Program grant from the Nebraska Department of Economic Development. A full application requesting \$599,440 has been prepared and will be submitted with Council approval.

TFD Investments has proposed constructing two rental duplexes in southwest Kearney for Low- to Moderate-Income individuals. Each duplex will have two 4-bedroom units and includes a full basement. One unit will be fully handicapped accessible. The project will have a 20-year affordability period during which rent will be capped and income levels established for tenants.

Housing has been identified as a need in the community; particularly low income housing as described in the 2008 Buffalo County Housing Study. The project is located in an area designated as blighted and substandard. As part of this project, a dilapidated house and an accessory structure will be demolished on the site. The CRA has recommended approval for tax increment financing for the project.

The property is currently zoned to allow duplex development. Similar removal of substandard structures and replacement with multi-plex units has occurred in the neighborhood.

Council member Nikkila asked if this was the first time the City ever applied for a grant like this. Assistant City Manager stated from the Nebraska Affordable Housing Program fund the City has not. The City has applied for other housing funds but from different programs that are held by the Department of Economic Development, similar restrictions on those. The Brigham Lofts project downtown is also an income restricted housing project that the City has received funds from the State. Council member Nikkila asked if it is a competitive grant that possibly would not go through. Assistant City Manager stated it is a competitive grant and as funding reduce from federal government you will see less and less available among more communities.

Council member Nikkila asked if the developers actually develop the property, what is the City's responsibility if the developer is not following the rules. Assistant City Manager stated the City is a passing for funds, the developer pays all of the costs up front and requests reimbursements and the City signs off on the reimbursement

requests. Throughout the process the City is required to have a grant administrator who goes to the site, checks to make sure the developer is following all the rules that they have to for the grant program. If at any time during the program the City believes that it is not happening, the City stops asking for reimbursement requests until those issues are requested and then it can move forward again with the project.

Council member Lammers asked what are the current income levels that they will be at, the rental rate will be at a certain. Eric Hellriegel from Miller & Associates stated this particular project is going to hinge on an 80 percent annual median income rate which each housing program has a little different housing criteria that they are allowed to follow. Typically, they gear that towards what the need is and the last housing study that was done in Buffalo County was in 2008. So they look at that study, the comprehensive plan, talk to Kearney Housing Agency, and try to gather data to determine what that realistic income level should be. For this particular program they will try to serve an 80 percent annual median income or below at this point. To qualify, they go through a third party income verification to make sure that those people are qualified and will go through an annual re-certification to make sure that if those folks want to live there in a 1, 2, 3 year period, annually, they will have to go through and update all that information because that information will update on a yearly basis.

Council member Lammers stated he did not know if the median income was established each year. Mr. Hellriegel stated it is established each year based on all sorts of factors that go into that. The rent level will adjust; there are utility allowances involved so there are lots of different layers to affordable housing. Affordable housing means different things to a lot of different people so these programs are built with a lot of different layers to them to try to really get down to the basics with people to provide that housing.

Assistant City Manager stated that the income level is reset every year; currently, the levels it will be around is \$30,000 to \$32,000. They do not have the number officially set until the contract is awarded and the Department of Economic Development and HUD decides what level they will set at and that is reset every year.

Council member Lammers asked if those income levels are set per couple or on a per person. Ms. Brodine stated that it's an individual number and there is a number for a family as well. Mr. Hellriegel stated it's based on the number that's in your family so that will be graded from 1 person, 2 person all the way up to 8 people and that will adjust.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2013-60** approving the application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant for the construction of two new duplexes located at 1804 8th Avenue. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2013-60

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearings(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$599,440 for the construction of two new duplexes at 1804 8th Avenue, Kearney, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and the Nebraska Department of Economic Development so as to effect the acceptance of the grant application.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2013.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lammers seconded by Nikkila that Subsections 1 through 19 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

1. Approve Minutes of Regular Meeting held April 9, 2013.

2. Approve the following Claims:

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

4Imprint \$2,987.44 smcs; AT&T \$137.49 smcs; A&D Technical Supply \$46.43 smcs; Advance Auto Parts \$160.47 smcs; Advance Building Services \$1,000.00 smcs; Ahren,V \$95.00 smcs; Air Cleaning Technologies \$151.62 smcs; Alfred Bensesch \$5,921.26 smcs; All Makes Auto \$792.32 smcs; Allied Electronics \$668.30 smcs; Ally B Designs \$799.80 smcs; Amazon \$3,304.16 smcs,co; Amer Cemetery \$85.00 smcs; American \$156.15 smcs; Amer First Aid \$910.72 smcs; Amsan \$1,447.73 smcs; Apex Superstores \$111.09 smcs; Apple Market \$1.78 smcs; Aprons and Smocks \$119.35 smcs; ARC \$300.00 smcs; Ask Supply \$540.68 smcs; AtoZ \$207.00 smcs; Aurora Coop \$679.90 smcs; Baird Holm \$300.00 smcs; Baker & Taylor Books \$5,018.03 smcs; Bauer,L \$499.00 smcs; Blackstone Audiobooks \$59.00 smcs; Bluecross Blueshield \$58,639.81 smcs; Bonnie's Best Art Tools \$40.24 smcs; Bosselman \$22,601.38 smcs; Brigham Lofts \$60,558.00 smcs; Broadfoot,T \$20.00 smcs; Buffalo Co Community

\$600.00 smcs; Buffalo Co Treasurer \$15.00 co; Buffalo Outdoor Power \$16,549.52 co; Builders \$2,032.95 smcs,co; Cabela's \$194.97 smcs; Campbell Center \$875.00 smcs; Capital Business Systems \$593.28 smcs; Capstone Press \$3,812.91 smcs; Career Cruising \$799.00 smcs; Carquest \$3,827.04 smcs; Caseys General Store \$67.01 smcs; Cash-Wa \$2,005.79 smcs; Center Point Large Print \$100.56 smcs; Central Fire & Safety \$117.25 smcs; Central Hydraulic \$1,275.56 smcs; Central NE Bobcat \$1,610.23 smcs; Century Tool \$240.00 smcs; Charter \$230.26 smcs; Chesterman \$876.80 smcs; Chicken Coop \$40.00 smcs; Chief Supply \$207.16 smcs; Child's World \$720.10 smcs; City of Ky \$58,000.16 smcs,ps; Cold Spring Granite \$207.00 smcs; Community Action Partner \$7,379.83 smcs,co; Compass Tools \$265.00 smcs; CompassCom \$50.00 smcs; Computer Warehouse \$29.99 co; Conoco \$40.06 smcs; Conesco Life Insurance \$19.00 ps; Construction Rental \$440.70 smcs; Copycat Printing \$1,225.81 smcs; Crawford,L \$35.00 smcs; Creative Teacher \$24.80 smcs; Crossroads Ford \$317.18 smcs; CRVS Store \$45.98 smcs; Culligan \$96.50 smcs; Cummins Central Power \$813.86 smcs; Cygnus Expositions \$1,195.00 smcs; D&S Lighting \$891.41 smcs; Dawson PPD \$21,705.10 smcs; Day Design \$750.00 co; Daylight Donuts \$98.10 smcs; Deeter Foundry \$2,671.00 smcs; Dell \$7,019.03 co; Demco \$911.77 smcs; Depository Trust \$330,613.75 ds; Diamond Vogel \$505.39 smcs; Dmilaco \$297.86 smcs; Dogpoopbagscom \$262.51 smcs; Doubletree Suites \$195.42 smcs; Dowhy Towing \$100.00 smcs; Draeger Safety \$2,839.25 smcs; Dulles Airport \$72.00 smcs; Dutton-Lainson \$431.53 smcs; Eakes \$9,362.45 smcs,co; Egan Supply \$32.78 smcs; Eileen's Cookies \$15.80 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$76.11 smcs; Encyclopedia Britannica \$330.00 smcs; Enslow Publishers \$484.55 smcs; Entenmann-Rovin \$263.75 smcs; Enterprise \$220.00 smcs; Express Sharpening \$33.00 smcs; Fairbanks \$317.82 smcs; Farmers Union Coop \$28.50 smcs; Fast Mart Lincoln \$121.01 smcs; Fastenal Co \$1,141.01 smcs; FDI Consulting \$500.00 co; Fedex \$30.58 smcs; Feusner,J \$40.31 smcs; Flag Co \$47.05 smcs; Flagpole Co \$149.95 smcs; Flaherty,T \$1,310.00 smcs; Fleet Pride \$1,811.50 smcs; Footjoy \$8,247.45 smcs; Fraber,C \$200.00 smcs; Frontier \$9,297.17 smcs; Frontier Airlines \$20.00 smcs; Gale \$4,496.00 smcs; Galls \$7.92 smcs; Garrett Tires \$4,860.54 smcs; GE Money Bank \$2,922.51 smcs; Gempler \$985.31 smcs; Gerken,E \$75.00 smcs; Global Solutions \$286.35 co; Glock Professional \$195.00 smcs; Graham Tire \$319.08 smcs; Grainger \$1,312.71 smcs; Grey House Publishing \$228.95 smcs; Grove,K \$4.26 smcs; Guenther,T \$41.61 smcs; Gun Parts Corp \$12.95 smcs; H&H Distributing \$1,112.25 smcs; Hampton Inns \$232.36 smcs; Hansen,D \$204.13 smcs; Harms,S \$43.00 smcs; Harris,P \$10.66 smcs; Harshbarger,K \$177.50 smcs; Hastings \$10.13 smcs; Hemshrot,D \$40.63 smcs; Hernandez,J \$53.14 smcs; Hess,L \$19.12 smcs; Hilton Hotels \$716.12 smcs; Hobby-Lobby \$107.08 smcs; Holmes Plumbing \$583.85 smcs,co; Hometown Leasing \$1,018.10 smcs,co; Hotelsonecom \$336.81 smcs; Hotwire \$2,016.96 smcs; Hueson,N \$41.38 smcs; Human Kinetics \$40.33 smcs; Humanities of Ne \$50.00 smcs; ICMA RC \$3,840.80 ps; INF City Directories \$400.00 smcs; IRS \$123,205.20 ps; Int'l Society Arboriculture \$29.35 smcs; Isaac,J \$134.44 smcs; Jack Lederman \$3,332.34 smcs; Johnson Hardware \$952.00 smcs; Johnson Service \$2,160.00 smcs; Johnstone Supply \$112.79 smcs; Jones Automotive \$13,286.04 co; K&K Parts \$1,551.94 smcs; Ky Catholic \$37.74 smcs; Ky Chamber Commerce \$200.00 smcs; Ky Clinic \$842.00 ps; Ky Concrete \$3,553.27 smcs,co; Ky Crete & Block \$34.26 co; Ky Hub \$4,026.45 smcs; Ky Humane Society \$6,825.00 smcs; Ky Power Sports \$11.95 smcs; Ky Towing \$100.00 smcs; Ky Warehouse \$543.35 smcs; Ky Winlectric \$70.34 smcs; Ky Winnelson \$21.94 smcs; Kelly Electric \$4,124.36 smcs,co; Kelly Supply \$45.21 smcs; Kendrick,C \$13.68

smcs; Killion Motors \$601.42 smcs; Konica Minolta \$1,152.75 smcs; Kotulas Catalog \$105.45 smcs; Landmark Implement \$542.71 smcs; Lang,L \$300.00 smcs; Larue Distributing \$180.32 smcs; Laursen,E \$40.00 smcs; Lazlo's \$29.00 smcs; LCL Truck Equipment \$49.69 smcs; Leach,C \$69.55 smcs; Ledsirenscom \$992.08 smcs; Lerner Publishing Group \$1,464.12 smcs; Location Technologies \$63.00 smcs; Loeffelholz,P \$200.00 smcs; Mac Faucets \$257.46 co; Magic Cleaning \$4,500.00 smcs; Mail Express \$205.95 smcs; Main Street Ky \$2,000.00 smcs; Maloley,J \$9.94 smcs; Marlatt Machine Shop \$456.34 smcs; Marriott \$2,446.58 smcs; Masek Golf Car \$358.28 smcs; Matheson Tri-Gas \$212.12 smcs; Matt Friend Truck \$2,115.00 co; McKee,S \$499.00 smcs; Melroy,S \$21.61 smcs; Menards \$3,092.75 smcs,co; Merryman Performing Arts \$438.20 smcs; Michael Todd \$749.33 smcs; Midway Chrysler \$114.00 smcs; Midwest Storage Solutions \$10,987.15 co; Midwest Turf \$789.34 smcs; Miller & Associates \$12,573.44 smcs,co; Mohoney,E \$119.00 smcs; Monoprice \$50.85 smcs; Morgan,M \$48.59 smcs; Mosbarger,B \$232.50 smcs; Most DependableFountains \$1,940.00 co; National Hole in One \$217.00smcs; NCEquipment \$172.30 smcs; NE Child Support Pyt. Ctr. \$2,910.74 ps; NE Dept of Revenue \$34,983.28 smcs;NE Dept. of Aeronautics \$53.53 smcs; NE Dept. of Health \$1,785.00 co; NEDOL/Office of Safety \$480.00 smcs; NE GIS \$400.00 smcs; NE Humanities Council \$50.00 smcs; NE Library Assoc \$47.00 smcs; NE Licensed Bev. Assoc \$200.00 smcs; NE Machinery \$1,002.69 smcs; NE PGA \$100.00 smcs; NE Professional Licensing \$50.00 smcs; NE Rural Water Assoc. \$275.00 smcs; NE Truck & Equipment \$647.12 smcs; NE Truck Center \$2,569.51 smcs; Nebraskaland Distributors \$1,092.48 smcs; Nelson,B \$39.45 smcs; Netmotion Wireless \$730.23 smcs; Norm's Plumbing \$1,484.59 smcs; Northern Safety \$243.74 smcs; Northwest Electric \$1,490.68 smcs; Northwestern Energy \$11,744.60 smcs; NVFC \$30.00 smcs; Observint Technologies \$81.43 smcs; OCLC \$346.81 smcs; Office Depot \$559.32 smcs; Office Max \$421.93 smcs; Officenet \$367.38 smcs,co; Olson,D \$150.00 smcs; O'Reilly Automotive \$1,820.03 smcs; Oriental Trading \$114.51 smcs; Orscheln \$575.84 smcs; Oshkosh \$1,064.37 smcs; Ott,M \$42.77 smcs; Overhead Door \$867.00 smcs; Palensky,M \$171.64 smcs; Pane Bello Restaurant \$226.97 smcs; Paramount Linen \$141.52 smcs; Passion Labels \$47.40 smcs; Patterson,B \$198.35 smcs; Paypal \$1,191.96 smcs,co; PCcablescom \$10.94 co; PCMG800 \$1,770.45 co;Peck,S \$19.12 smcs; Peterson,R \$9.87 smcs; Platte Valley Comm. \$25.00 smcs; Premiumstorecom \$244.99 smcs; Prestige Group \$200.00 smcs; Presto-X \$487.78 smcs; Professional Collection \$26.25 smcs; Provantage \$180.73 smcs; Quill \$375.53 smcs; Random House \$165.00 smcs; Ready Mixed Concrete \$1,174.13 co; Reams \$1,606.73 co; Recognition Unlimited \$37.30 smcs; Recorded Books \$1,007.37 smcs; Red Cross Store \$81.73 smcs; Registercom \$200.00 smcs; Rheome Tree \$2,590.00 smcs; Rourke Publishing \$47.92 smcs; Safelite Autoglass \$252.90 smcs; Salina Blueprint \$106.54 smcs; Sapp Brothers \$30,576.80 smcs; School Outfitters \$134.02 smcs; Schwank,J \$10.10 smcs; Sears \$951.86 smcs; Shaw,J \$42.49 smcs; Sherwin Williams \$6,871.03 smcs; Snap-On Tools \$97.75 smcs; Sorensen Group \$15,850.50 co; SOS Portable Toilets \$105.00 smcs; Sprinkler Warehouse \$825.85 co; State of NE/NE Dept Labor \$9,314.00 ps; Steinbrink Landscaping \$169.99 smcs; Stocker,K \$64.15 smcs; Stott,D \$1,405.50 smcs; Stratton,RD \$20.16 smcs; Tacha,J \$50.00 smcs; Target \$119.57 smcs; Team Effort \$648.94 smcs; Terry,M \$54.17 smcs; Texoma Golf \$679.08 smcs; Thomas,S \$26.82 smcs; Thome,B \$171.50 smcs; Thompson,K \$75.00 smcs; Titleist \$10,844.80 smcs; Todd Valley \$998.50 smcs; Tractor-Supply \$799.94 smcs; Tri Co Equipment \$92.05 smcs; Tye & Rademacher \$11,122.09 smcs; Uline \$340.83 smcs; Union Bank & Trust \$56,001.86 ps; Unique Management \$250.60 smcs;

United \$150.00 smcs; United Seeds \$1,988.00 smcs; UNK Human Resources \$67.28 ps; UPS Store \$66.16 smcs; USA Blue Book \$1,607.86 smcs; USPS \$184.92 smcs; Van Wall Equipment \$142.10 smcs; Vanderlinde, E \$12.05 smcs; Vasquez,C \$40.00 smcs; Verizon Wireless \$72.52 smcs,co; Wal-mart \$1,956.59 smcs,co; Webb,A \$44.93 smcs; West Villa Animal Hospital \$42.41 smcs; Wiegand Security \$90.00 smcs; Wilke's True Value \$190.59 smcs; Wilkins Hinrichs Stober \$2,345.00 co; Williams,M \$57.51 smcs; Winkflash To Go Photo \$142.19 smcs; WPCI \$449.50 ps; WTG Midwest \$1,627.76 smcs; Yant Equipment \$87.47 smcs. Payroll Ending 04-06-2013 -- \$349,988.04. 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 May 14, 2013 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Approve the application for a Special Designated License submitted by McFarland Family Farms LLC, dba Mac's Creek Vineyards & Winery in connection with their Class YK-056229 catering liquor license to dispense wine inside the Great Platte River Road Archway Monument and inside a 90'x75' fenced area located outside on the north side of Archway Monument, 3060 East 1st Street on July 1, 2013 from 4:00 p.m. until 10:00 p.m. for a sampling/tasting.

5. Approve the application for a Special Designated License submitted by Thunderhead Brewing Co. in connection with their Class LK-47920 catering liquor license to dispense beer and wine inside the Great Platte River Road Archway Monument and inside a 90'x75' fenced area located outside on the north side of Archway Monument, 3060 East 1st Street on July 1, 2013 from 5:00 p.m. until 10:00 p.m. for a sampling/tasting.

6. Approve the application for a Special Designated License submitted by Thunderhead Brewing Co. in connection with their Class LK-47920 catering liquor license to dispense beer and wine inside an enclosed 120' x 210' tent and fenced area in the parking lot located north of the Museum of Nebraska Art, 2401 Central Avenue on September 27, 2013 from 5:00 p.m. until 1:00 a.m. and on September 28, 2013 from 12:00 p.m. until 1:00 a.m. for Oktoberfest.

7. Adopt **Resolution No. 2013-61** approving Change Order No. 1 showing an increase in the amount of \$1,800.00, Application and Certificate for Payment No. 2 in the amount of \$93,354.45 submitted by Midlands Contracting and approved by Miller & Associates for the 2012 Part 6 Improvements – Bid A consisting of Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west, Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue; Water District No. 2012-567 in a 66-foot Road and Utility Easement from the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly; Sanitary Sewer District No. 2012-505A in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center, and Sanitary Sewer District No. 2012-506 in a Roadway and Utility Easement beginning at the south line of the intersection of 56th Street and 4th Avenue

and terminating at a point 325 feet southeasterly.

RESOLUTION NO. 2013-61

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2012 Part 6 Improvements – Bid A consisting of Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west, Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue; Water District No. 2012-567 in a 66-foot Road and Utility Easement from the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly; Sanitary Sewer District No. 2012-505A in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center, and Sanitary Sewer District No. 2012-506 in a Roadway and Utility Easement beginning at the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$1,800.00, 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 in the amount of \$93,354.45, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$233,378.00
Change Order 1 (4-23-2013)	<u>+ 1,800.00</u>
Contract Sum To Date	235,178.00
Gross Amount Due	232,868.50
Retainage	11,643.43
Amount Due to Date	221,225.08
Less Previous Certificates for Payment	<u>127,870.63</u>
Current Payment Due	\$ 93,354.45

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 are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2013.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

8. Adopt **Resolution No. 2013-62** approving Application and Certificate for Payment No. 1 in the amount of \$101,735.10 submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 6 Improvements – Bid B consisting of Paving Improvement District No. 2012-954 for 52nd Street from 3rd Avenue and terminating 761 feet west; Paving Improvement District No. 2012-955A for 3rd Avenue, a Road and Utility Easement, from the north line of 52nd Street to the north line of Oak Park Center

and east in a Roadway and Utility Easement to the west line of 2nd Avenue; Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue.

RESOLUTION NO. 2013-62

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2012 Part 6 Improvements – Bid B consisting of Paving Improvement District No. 2012-954 for 52nd Street from 3rd Avenue and terminating 761 feet west; Paving Improvement District No. 2012-955A for 3rd Avenue, a Road and Utility Easement, from the north line of 52nd Street to the north line of Oak Park Center and east in a Roadway and Utility Easement to the west line of 2nd Avenue; Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$101,735.10, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$492,366.19</u>
Contract Sum To Date	492,366.19
Gross Amount Due	113,039.00
Retainage	11,303.90
Amount Due to Date	101,735.10
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$101,735.10

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 23RD DAY OF APRIL, 2013.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

9. Adopt **Resolution No. 2013-63** approving Change Order No. 2 showing a deduct in the amount of \$8,228.50, Application and Certificate for Payment No. 3-Final in the amount of \$33,448.38, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½ mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main, and Water District No. 2013-569 in 20th Street from Avenue O east to the east line of Lot 8 of Block 13, Whiteaker's Grove Addition.

RESOLUTION NO. 2013-63

WHEREAS, Midlands Contracting Inc. of Kearney, Nebraska has performed services in connection with the 2012 Part 2 Improvements consisting of Water Extension District No. 2012-1 for 56th Street from the existing water main located ½

mile east of Antelope Avenue eastward approximately 5,446 feet to connect to the existing water main, and Water District No. 2013-569 in 20th Street from Avenue O east to the east line of Lot 8 of Block 13, Whiteaker’s Grove Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease in the amount of \$8,228.50, 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. 3-Final in the amount of \$33,448.38, as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$682,026.50
Change Order No. 1 (2-26-2013)	+ 29,869.00
Change Order No. 2 (4-23-2013)	<u>- 8,228.50</u>
Contract Sum To Date	703,667.00
Gross Amount Due	703,667.00
Retainage	.00
Amount Due to Date	703,667.00
Less Previous Certificates for Payment	<u>665,218.62</u>
Current Payment Due	\$ 38,448.38

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of March 14, 2013, as shown by Exhibit “C” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit “A”, Application and Certificate for Payment No. 3-Final, as shown on Exhibit “B”, and the Certificate of Substantial Completion as shown on Exhibit “C” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2013.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

10. Adopt **Resolution No. 2013-64** approving the selection of Miller & Associates to perform the duties as the General Administrator of the Nebraska Affordable Housing Program Grant as set forth in the grant application.

RESOLUTION NO. 2013-64

WHEREAS, the City of Kearney has applied for a Nebraska Affordable Housing Program grant from the Nebraska Department of Economic Development; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for a Grant Administrator to ensure that the activities conducted with grant funding are in compliance with DED and Federal regulations; and

WHEREAS, City staff received one proposal and recommends pursuing a contract with Miller & Associates of Kearney to provide management and supervision services.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, approving the selection of Miller & Associates to perform the duties as Grant Administrator of the Nebraska Affordable Housing Program Grant.

BE IT FURTHER RESOLVED that upon award of the grant application by the Nebraska Department of Economic Development, the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and Miller & Associates.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Adopt **Resolution No. 2013-65** approving the selection of Miller & Associates to perform the duties of the Housing Administrator of the Nebraska Affordable Housing Program Grant as set forth in the grant application.

RESOLUTION NO. 2013-65

WHEREAS, the City of Kearney has applied for a Nebraska Affordable Housing Program grant from the Nebraska Department of Economic Development; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for a Housing Administrator to perform the initial set-up duties as Housing Administrator of the Nebraska Affordable Housing Program Grant; and

WHEREAS, City staff received one proposal and recommends pursuing a contract with Miller & Associates of Kearney to provide management and supervision services.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, approving the selection of Miller & Associates to perform the duties as Housing Administrator of the Nebraska Affordable Housing Program Grant.

BE IT FURTHER RESOLVED that upon award of the grant application by the Nebraska Department of Economic Development, the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and Miller & Associates.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Adopt **Resolution No. 2013-66** approving the Developer Constructed Infrastructure Agreement for the construction of paving, water, sanitary sewer and storm sewer for Starostka Estates Addition to the City of Kearney.

RESOLUTION NO. 2013-66

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Starostka Estates Addition" between the City of Kearney and Starostka Group Unlimited, Inc. to construct the paving, water, sanitary sewer and

storm sewer for Starostka Estates Addition to the City of Kearney be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Danny Starostka, President of Starostka Group Unlimited, Inc. to construct said improvements as stated above.

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 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Adopt **Resolution No. 2013-67** approving the Developer Constructed Infrastructure Agreement for the construction of paving, water, sanitary sewer and storm sewer for Eastbrooke Fourteenth to the City of Kearney.

RESOLUTION NO. 2013-67

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Eastbrooke Fourteenth, an Addition to the City of Kearney" between the City of Kearney and Camron, Inc. to construct the paving, water, sanitary sewer and storm sewer for Eastbrooke Fourteenth to the City of Kearney be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Timothy J. Norwood, Sr., President of Camron, Inc. to construct said improvements as stated above.

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 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve the Agreement between the City of Kearney and Central Health Center to temporarily close the parking lot located north of the Museum of Nebraska Art from 6:00 a.m. September 26, 2013 until 5:00 p.m. October 1, 2013 for Oktoberfest.

15. Accept the bids received for the construction of a new hangar located at the Kearney Regional Airport and adopt **Resolution No. 2013-68** awarding the bid to Seneca Companies from Des Moines, Iowa in the total amount of \$1,259,000.00.

RESOLUTION NO. 2013-68

WHEREAS, Wilkins Hinrichs Stober Architects and the City of Kearney have reviewed the sealed bids which were opened on April 9, 2013 at 2:00 p.m. for the construction of a new hangar located at the Kearney Regional Airport; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost ranged between \$1.3 million and \$1.5 million for the said project; and

WHEREAS, the said engineers have recommended the bid offered by Seneca Companies from Des Moines, Iowa in the sum of \$1,200,000.00 for the base bid and \$59,000.00 for Alternates #1 and #2 for a total bid of \$1,259,000.00 be accepted as the lowest responsible bid for the construction of a new hangar located at the Kearney Regional Airport.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Seneca Companies be and is the lowest responsible bidder for the construction of a new hangar located at the Kearney Regional Airport to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Seneca Companies from Des Moines, Iowa in the sum of \$1,200,000.00 for the base bid and \$59,000.00 for Alternates #1 and #2 for a total bid of \$1,259,000.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost ranging between \$1.3 million and \$1.5 million 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 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Accept the bids received for the construction of an Aircraft Rescue and Fire Fight (ARFF) Facility located at the Kearney Regional Airport and adopt **Resolution No. 2013-69** awarding the bid to Sampson Construction from Lincoln, Nebraska in the amount of \$1,677,000.29 subject to approval by the F.A.A. and the Nebraska Department of Aeronautics.

RESOLUTION NO. 2013-69

WHEREAS, Wilkins Hinrichs Stober Architects and the City of Kearney have reviewed the sealed bids which were opened on April 16, 2013 at 2:30 p.m. for the construction of an Aircraft Rescue and Fire Fight (ARFF) Facility located at the Kearney Regional Airport; and

WHEREAS, the Engineer's Estimate was \$1,956,037.00 for the base bid and \$243,505.00 for Option 1 for a total bid of \$2,199,542.00 for the said project; and

WHEREAS, the said engineers have recommended the bid offered by Sampson Construction Co., Inc. from Lincoln, Nebraska in the sum of \$1,528,999.89 for the base bid and \$148,000.40 for Option 1 for a total bid of \$1,677,000.29 be accepted as the lowest responsible bid for the construction of an Aircraft Rescue and Fire Fight (ARFF) Facility located at the Kearney Regional Airport.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Sampson Construction Co., Inc. be and is the lowest responsible bidder

for the construction of an Aircraft Rescue and Fire Fight (ARFF) Facility located at the Kearney Regional Airport to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Sampson Construction Co., Inc. of Lincoln, Nebraska in the sum of \$1,528,999.89 for the base bid and \$148,000.40 for Option 1 for a total bid of \$1,677,000.29 be and is hereby accepted subject to approval by the F.A.A. and the Nebraska Department of Aeronautics.

BE IT FURTHER RESOLVED the Engineer's Estimate of \$1,956,037.00 for the base bid and \$243,505.00 for Option 1 for a total bid of \$2,199,542.00 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 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. 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 inside an outdoor fenced area located in the parking lot of Kearney Powersports, 511 South 2nd Avenue, on May 23, 2013 from 4:00 p.m. until 11:00 p.m. for a beer garden (alternate location inside Kearney Powersports).

18. Accept the bids received for the 2012 Part 9 Improvements; Sidewalks/Ramps and adopt **Resolution No. 2013-70**.

RESOLUTION NO. 2013-70

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on April 22, 2013 at 2:00 p.m. for the 2012 Part 9 Improvements; Sidewalks/Ramps; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$326,180.00 for the said project; and

WHEREAS, the said engineers have recommended the bid offered by Blessing Construction from Kearney, Nebraska in the sum of \$290,885.23 be accepted as the lowest responsible bid for the 2012 Part 9 Improvements; Sidewalks/Ramps.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Blessing Construction be and is the lowest responsible bidder for the 2012 Part 9 Improvements; Sidewalks/Ramps to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction from Kearney, Nebraska in the sum of \$290,885.23 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost was \$326,180.00 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 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

19. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicico in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (alternate location is Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 25, 2013 from 6:00 p.m. until 1:00 a.m. for a dance.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7799 REPEALING ORDINANCE NO. 7785 AND SELL PROPERTY TO COAL CHUTE PARK

The City has agreed to sell to Coal Chute Park, LLC a portion of Airport land. The earlier legal description did not capture all of the parcel to be deeded from the City and so it is necessary for the City to repeal original Ordinance No. 7785 and approve Ordinance No. 7799 providing a more specific legal description. The City is selling the parcel of approximately 1.96 acres to Coal Chute Park, LLC, for the sum of \$1,470.00.

Council Member Nikkila introduced Ordinance No. 7799, being Subsection 1 of Agenda Item V repealing Ordinance No. 7785 and to sell a tract of land being part of the North Half of the Southeast Quarter, part of the North Half of the Southwest Quarter, part of Government Lot 1, and part of Government Lot 4 all located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska to Coal Chute Park, LLC., and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. 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, Lammers, Lear, Nikkila. Nay: None. Buschkoetter 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. 7799 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Clouse that Ordinance No. 7799 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Nikkila. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7799 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

ORDINANCE NO. 7798 – ANNEXATION OF 7 PROPERTIES ALONG 17TH AVENUE AND 56TH STREET

Mayor Clouse stated Ordinance No. 7798 annexing 5110, 5120, 5308, 5410, 5514 17th Avenue, the northwest corner of 56th Street and 17th Avenue, and 2407 West 56th Street into the City limits will be placed on second reading by title only.

Moved by Clouse seconded by Lammers that Ordinance No. 7798 annexing 5110, 5120, 5308, 5410, 5514 17th Avenue, the northwest corner of 56th Street and 17th Avenue, and 2407 West 56th Street into the City limits be placed on second reading by title only. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

City Clerk read Ordinance No. 7798 by title.

REDEVELOPMENT PROJECT FOR OLD TOWNE ENTERPRISES, NORTH SIDE OF SOUTH RAILROAD STREET BETWEEN AVENUE A AND AVENUE B

Mayor Clouse opened for discussion redevelopment project (Old Towne Enterprises) for Redevelopment Area #5 for an area described as Lot 8, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska (north side of South Railroad Street between Avenue A and Avenue B) and adopt Resolution No. 2013-71.

Assistant City Manager/Development Services Director Suzanne Brodine stated Old Towne Enterprises, LLC is considering building a 3600 square foot personal and commercial storage facility. The property is currently owned by Old Towne Enterprises; however, site development costs pose a challenge on this railway corridor property.

The total new valuation of the property is estimated to be \$205,000. The most recent valuation was \$61,210.00, creating an estimated new increment of \$143,790.00. The current annual taxes are \$1,319.54. The estimated new real estate taxes per year are \$3,105.46. The total estimated eligible on-site TIF expenditures are \$28,000 (dirt work, paving, landscaping, etc.). The Application contained an error, which has been confirmed with the applicant, referring to Lot 7. The project is for Lot 8 as indicated by the assessor's letter.

Tax Increment Financing at 90 percent would generate \$2,794.91 per year for ten years, totaling \$27,949.14.

On April 10, the CRA recommended Council approve up to 90 percent of the available Tax Increment up to \$28,000 of eligible expenses payable over 10 years.

Moved by Lammers seconded by Nikkila to adopt **Resolution No. 2013-71** finding that the redevelopment project set forth in the application submitted by Old Towne Enterprises 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 \$28,000 payable until the 10-year TIF period expires be granted and further grant the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Old Towne Enterprises. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Lear. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2013-71

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 8, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska; 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 8, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska 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 8, Glacier Park Addition to the City of Kearney, Buffalo County, Nebraska 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.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2013.

ATTEST:

STANLEY A. CLOUSE

MICHAELLE E. TREMBLY
CITY CLERK

PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

REDEVELOPMENT PROJECT FOR TFD INVESEMENTS, 1804 8TH AVENUE

Mayor Clouse opened for discussion redevelopment project (TFD Investments) for Redevelopment Area #5 for an area described as Lots 6 and 7 of Block 3, Kearney Land & Investment Company's Choice Addition to the City of Kearney, Buffalo County, Nebraska (1804 8th Avenue) and adopt Resolution No. 2013-72.

Assistant City Manager/Development Services Director Suzanne Brodine stated TFD Investments, LLC is considering building two duplexes at 1804 West 18th Street. Each duplex will have four bedrooms and two baths; one duplex will be ADA accessible. The developer has already purchased the property; however, infrastructure costs and site development pose a significant impact on development.

The property will require a lot split for development from one single-family house to two duplexes. This type of development is allowable under the existing R-3 multi-family zoning. The property has been the site of numerous code enforcement issues and building code violations.

The total new valuation of the property is estimated to be \$461,705.00. The most recent valuation was \$67,455.00, creating an estimated new increment of \$394,250.00. The estimated new real estate taxes per year are \$8,511.42. Total estimated eligible on-site TIF expenditures are \$49,380.00 (demolition, dirt work, sidewalks, landscaping, etc. but does not include land purchase).

Tax Increment Financing at 23 percent would generate \$1,957.63 per year for fifteen years, totaling \$29,364.40. Taxing authorities would see an estimated annual immediate revenue increase of \$6,553.79.

Low-to-Moderate Income housing is a targeted priority for tax increment financing as listed in Resolution 94-4. This project is also under consideration for CDBG Nebraska Affordable Housing Program (NAHP) funding, which would meet LMI requirements. TIF may be considered subject to grant approval.

On April 10, the CRA recommended Council approve up to \$30,000 of the available Tax Increment for eligible expenses to be captured over a period of 15 years, subject to NAHP approval.

Moved by Nikkila seconded by Lear to adopt **Resolution No. 2013-72** finding that the redevelopment project set forth in the application submitted by TFD Investments 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 a maximum of \$30,000 payable until the 15-year TIF period expires be granted and further grant the Chairman and legal counsel the authority to negotiate and execute a

redevelopment contract with TFD Investments. Roll call resulted as follows: Aye: Clouse, Lammers, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2013-72

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 Lots 6 and 7 of Block 3, Kearney Land & Investment Company's Choice Addition to the City of Kearney, Buffalo County, Nebraska; 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 Lots 6 and 7 of Block 3, Kearney Land & Investment Company's Choice Addition to the City of Kearney, Buffalo County, Nebraska 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 Lots 6 and 7 of Block 3, Kearney Land & Investment Company's Choice Addition to the City of Kearney, Buffalo County, Nebraska 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.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REDEVELOPMENT PROJECT FOR CASH-WA, 401 WEST 4TH STREET

Mayor Clouse opened for discussion redevelopment project (Cash-Wa Distributing) for Redevelopment Area #8 for an area described as Lot 1 of Block One and Lots 1, 2, 3 of

Block Two, Cash-Wa Second Addition to the City of Kearney, Buffalo County, Nebraska (401 West 4th Street) and adopt Resolution No. 2013-73.

Assistant City Manager/Development Services Director Suzanne Brodine stated Cash-Wa Distributing is considering building a 69,830 square foot expansion onto the original building at 401 West 4th Street. The property is currently owned by Cash-Wa; however, site development and associated public infrastructure costs pose a significant challenge.

The total new valuation of the property is estimated to be \$8,863,000.00. The most recent valuation was \$4,319,115.00, creating an estimated new increment of \$4,544,000.00. The current annual taxes are \$102,338.84. The estimated new real estate taxes per year are \$98,100.00. The total estimated eligible on-site TIF expenditures are \$1,535,000.00 (dirt work, paving, storm water management, etc.).

Public infrastructure costs total \$700,000.00 for necessary reconstruction of 4th Street from 3rd Avenue to 6th Avenue. This street has seen substantial damage from heavy truck traffic, which is expected to increase with the proposed expansion.

Total of all eligible costs, on-site and public infrastructure, is \$2.235 million.

Assuming moderate valuation increases, 90% TIF would generate \$1,879,692.00 over fifteen years. If the City of Kearney were to receive the first \$700,000, or 33.5 percent of available TIF, for reconstruction of 4th Street, the developer would receive \$1,179,692.00 over the life of the project or 56.5 percent of the available TIF. Taxing authorities would see an estimated immediate revenue increase of \$9,810.00.

On April 10, the CRA recommended Council approve up to 90% of the available Tax Increment with pro-rata payment to the City of Kearney of the estimated cost of \$700,000 and the balance of approximately \$1,179,000 to Cash-Wa for qualified improvements to the project

Moved by Lear seconded by Clouse to adopt **Resolution No. 2013-73** finding that the redevelopment project set forth in the application submitted by Cash-Wa Distributing 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 \$700,000 payable to the City and \$1.179 million to Cash-Wa Distributing at a pro rata payment until the 15-year TIF period expires be granted and further grant the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Cash-Wa Distributing. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2013-73

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 1 of Block One and Lots 1, 2, 3 of Block Two, Cash-Wa Second Addition to the City of Kearney, Buffalo County, Nebraska; 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 1 of Block One and Lots 1, 2, 3 of Block Two, Cash-Wa Second Addition to the City of Kearney, Buffalo County, Nebraska 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 1 of Block One and Lots 1, 2, 3 of Block Two, Cash-Wa Second Addition to the City of Kearney, Buffalo County, Nebraska 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.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2013.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIM: NPPD - \$82,147.87

Moved by Lear seconded by Lammers that Open Account Claims in the amount of \$82,147.87 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Buschkoetter absent. Motion carried.

VII. REPORTS

City Manager Michael Morgan stated a press conference was held today regarding Project Edge in its anticipation to develop in Iowa. He thanked numerous individual

public groups today but thinks it is also important City staff be recognized. This was the most difficult and complex economic development project he has ever worked on in 28 years. He is very proud of the staff and the effort they put forth and Kearney did an outstanding job as a local government and how it responded to their questions and needs. The criteria for this project were over 100 and some different items that Kearney painstakingly went through. He also presented a listing of projects that reveals Kearney is doing fine; approximately \$240 million is construction projects, buildings. Probably even more impressive is this equates to almost 2.3 million square feet of construction. This is a great testament to the development review team, Planning Commission and the City Council. He also wanted to reiterate Darren Robinson's effort at the Buffalo County Economic Development Council. He also wanted to thank Miller & Associates, specifically Craig Bennett who was at the City's side for question after question, a lot of late nights, early mornings.

The State of Nebraska has scheduled August 26th as the groundbreaking/opening of the Cherry Avenue Bypass. This is a project that has been in the works for years.

He also announced that this March had the largest number of enplanements ever had in any March at 1,212 enplanements at the Airport.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 7:53 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Lear. Nay: None. Buschkoetter absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**