

Kearney, Nebraska
March 14, 2017
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on March 14, 2017 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bob Lammers and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Lauren Brandt, Deputy City Clerk; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Jason Whalen, Fire Administrator; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: John Watson, Mitch Humphrey, Brent Yaw, Danny Starostka, Jordan Starostka, Karen Brecht, Nathan Brecht, Greg Benson, Dennis Byrne, Dan Lynch, Ryan Ohri, Jared Small and Tracy Suchsland, Dan Lillis, Mike Konz from Kearney Hub, Kyle LaBoria for KGFW Radio.

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

Pastor John Watson provided the invocation.

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

Mayor Clouse and Council Members recognized the following Kearney Police Department Honor Guard members: Greg Benson, Dennis Byrne, Dan Lynch, Ryan Ohri, Jared Small and Tracy Suchsland. They were each presented a pin from Chief Dan Lynch.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE PORTION OF WISE ESTATES AND REZONING OF PROPERTY LOCATED AT 3890 COTTONMILL AVENUE

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

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying for Martin and Barbara Tilley to (1) vacate Lots 1 and 2, Wise Estates and to consider Ordinance No. 8128; and (2) rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3890 Cottonmill Avenue) and to consider Ordinance No. 8129. Planning Commission recommended approval.

Mitch Humphrey presented this matter to the Council. The property owners are Martin and Barbara Tilley, who actually own the larger portion of land that will be rezoned and Mike and Robyn Springer own the other portion. The Tilley's own about 22.2 acres and they would like to sell a strip of property along the south side to the Springer's to increase their acreage from six acres to about 9.54 acres. To accommodate this, the Wise plat has to be vacated with a new plat being created called Springer Estates. Zoning is necessary because the resulting acreage on the Tilley tract will be less than the 20 acres.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Buffalo Surveying for Martin and Barbara Tilley for property located at 3890 Cottonmill Avenue and introduced Ordinance No. 8128 vacating Lots 1 and 2, Wise Estates; and Ordinance No. 8129 rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8128 and 8129. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance

Nos. 8128 and 8129 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinances were read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance Nos. 8128 and 8129 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance Nos. 8128 and 8129 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR SPRINGER ESTATES LOCATED AT 3720 COTTONMILL AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Michael and Robyn Springer and Martin and Barbara Tilley for the Final Plat for Springer Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3720 Cottonmill Avenue) and to consider Resolution No. 2017- 28. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2017-28 approving the Application submitted by Buffalo Surveying for Michael and Robyn Springer and Martin and Barbara Tilley for the Final Plat for Springer Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (3720 Cottonmill Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2017-28

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Springer Estates, a subdivision of Buffalo County, Nebraska for a tract of land being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, with said tract of land being inclusive of vacated Lot 1 and vacated Lot 2, Wise Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, all more particularly described as follows: Referring to the Northwest Corner of the Northwest Quarter of Section 32 and assuming the West line of the Northwest Quarter of said Section 32 as bearing S 00°39'12" W and all bearings contained herein are relative thereto; thence S 00°39'12" W on the West line of said Northwest Quarter a distance of 40.0 feet to a point on the South right-of-way line of a Public Road (39th

Street); thence continuing S 00°39'12" W on the West line of said Northwest Quarter a distance of 829.62 feet; thence leaving the West line of said Northwest Quarter, S 89°55'29" E a distance of 798.78 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southwest Corner of vacated Lot 2, Wise Estates, a subdivision being part of the North Half of the Northwest Quarter of Section 32, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence S 07°24'45" W on the West line of said Lot 2, Wise Estates, if extended, a distance of 155.00 feet; thence N 88°59'41" E a distance of 1011.53 feet to a point that intersects on the West right-of-way line of a Public Road (Cottonmill Avenue); thence N 16°06'17" W on the West right-of-way line of said Public Road (Cottonmill Avenue) a distance of 140.00 feet to the Southeast Corner of vacated Lot 1, Wise Estates; thence continuing N 16°06'17" W on the West right-of-way line of said Public Road (Cottonmill Avenue) a distance of 431.0 feet to a point of curvature, said point being on the South right-of-way line of a Public Road (Quail Lane); thence on the South right-of-way line of a Public Road (Quail Lane) and on a 50.0 foot radius curve to the left, forming a central angle of 90°00' an arc distance of 78.54 feet to a point of compound curvature; thence continuing on the South right-of-way line of said Public Road (Quail Lane) and on a 320.00 foot radius curve to the left, forming a central angle of 24°30' an arc distance of 136.83 feet to a point of reverse curvature; thence continuing on the South right-of-way line of said Public Road (Quail Lane) and on a 530.0 foot radius curve to the right, forming a central angle of 59°00'00" an arc distance of 545.77 feet to a point of compound curvature; thence continuing on the South right-of-way line of a Public Road (Quail Lane), if extended, and on a 790.0 foot radius curve to the right forming a central angle of 06°27'53" an arc distance of 89.13 feet to the Northwest Corner of said Lot 2, Wise Estates; thence S 24°51'11" W on the westerly line of said Lot 2, Wise Estates a distance of 50.00 feet; thence S 07°24'45" W on the westerly line of said Lot 2, Wise Estates a distance of 271.80 to the place of beginning, containing 9.78 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ORDINANCE NO. 8130 AMENDING SECTIONS 12-106, 12-111, 13-103, TABLE 14-1, 46-102 OF CITY CODE

Mayor Clouse opened the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 12-106 "C" of Chapter 12 "Definitions" to add a definition "Cargo Container – Farm" allowing for the storage and movement of materials and products within an intermodal freight transport system and repurposed for a Controlled Environment Agriculture (CEA) use; (b) Section 12-106 "C" of Chapter 12 "Definitions" to add a definition "Controlled Environment Agriculture (CEA)

providing any agricultural technology that enables the grower to manipulate the environment to desired growing and/or cultivation conditions; (c) Section 12-111 "H" of Chapter 12 "Definitions" to add a definition "Hydroponics and/or Aeroponics" providing the propagation of plants using a mechanical system designed to circulate a solution of minerals in water for home use or distribution to retailers, restaurants, and consumers; (d) Section 13-103 "Agricultural Use Types" of Chapter 13 "Use Types" to add Urban Farming allowing the use of property for the cultivation of food and/or horticultural crops such as hydroponics and/or aeroponics; (e) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" to add Urban Farming to Agricultural Uses; and (f) Section 46-102 "Supplemental Use Regulations: Agricultural Uses" of Chapter 46 "Supplemental Use Regulations" to add Urban Farming and to set forth the conditions and to consider Ordinance No. 8130. Planning Commission recommended approval. City staff recommends approving the urban farming code amendments with the following additional requirements: (1) to amend Section 46-102.E.1(b) to include subparagraph "iii." stating "any other relevant information as requested by the Chief Building Official or his/her designee"; (2) to amend Section 46-102.E.2(b) to include "and/or applicable nationally recognized equipment standards" at the end of the sentence; and (3) to amend Section 46-102.E.2 to include subparagraph "(f)" stating "Cargo Container–Farm units cannot be stacked".

Assistant City Manager Paul Briseno presented this matter to the Council. This item came before City staff by property owner, Brent Yaw. It has then gone through many renditions by the Planning Commission and a subsequent committee comprised by Planning Commission members. The recommendation before Council is from Planning Commission but there are three other additional items that City staff added to the recommendation. The recommendation from Planning Commission is to allow urban farming as an allowable use with the approval of a conditional use permit in areas of AG, C2, Central Business District, C-3, M-1 and M-2. Further, allowing urban farming – cargo containers with approved conditional use permit in AG, M-1 and M-2.

Presented to Council were a number of definitions that need to be included for cargo container-farm, controlled environment, hydroponics, aeroponics, and the definition of urban farming. The recommendations to the conditional use permit which includes a site plan, overlay safety plan, plan to incorporate into existing neighborhood, termination plan and the requirement to meet existing building and other codes including electrical and plumbing standards. The conditional use permit would be for three years. The three additional recommendations brought forth by City staff were left out by the Planning Commission. Planning Commission's thought was that everything would be handled within the conditional use permit process. City staff have asked that those items be included primarily because this is such a new use and is something that has never came before City staff.

The second recommendation states "and/or applicable nationally recognized equipment standards" and if City staff could identify the units as a piece of equipment than the owner could put it inside their building, much like a paint booth, so this would benefit the property owner. The third recommendation is not allowing farm units to be stacked because they could be energized and have active gas so staff's belief was not to allow them to stack.

Council Member Lammers asked if the additional City staff recommendations were discussed with the owners and if the owners were aware of them. Assistant City Manager stated not specifically with Mr. Yaw but it was discussed at the Planning Commission meeting. City Manager Michael Morgan clarified that the first recommendation that any relevant information as requested by the building official is required regardless. Planning Commission does not have the authority to waive this requirement as it is a building code issue. The second recommendation is also required and actually gives flexibility to the developer to place these units inside. The third recommendation could certainly be handled during the conditional use permit process. But because of the unique use in other communities, these units have been allowed. There is a big debate on whether these units are buildings or not and if there is electric or gas connected.

Council Member Nikkila asked for an explanation for when something is inherent in the Code verses interpretations by the building official. City Manager stated someone cannot get a building permit in Kearney without meeting the first two recommendations. It would have to be limited to the intent or purpose of getting a building permit. Assistant City Manager mentioned again that the only reason the first recommendation was included is because this is such a new piece of equipment that City staff does not know what questions will need to be asked.

Brent Yaw, 2408 17th Avenue Place, stated he was the applicant for the item. This item has gone through a number of different meetings with the Planning Commission. The additional three recommendations from City staff went through three different Planning Commission meetings and were never brought up as being part of the Code. He believes the language is just more ambiguity. To add more as a requirement makes it more difficult for the next person who may want to do this. The whole ambiguity was what caused the problem of not just allowing it. If the additional recommended items that City staff is proposing are already part of the code for a building permit, than it would be redundant language anyway.

City Manager explained that if these containers are brought to a community, the first question dealt with is zoning and are they allowed. The Planning Commission dealt with this question. The question is rather when a container is made a building or a building unit, how is that handled. How does the City make sure the container is safe. This requirement is going to be required whether that is listed or not. This is a unique use that is not allowed today or anywhere else in Nebraska so that is where the questions come from. Until a permit is submitted, just like any building permit, it will have to be dealt with on a case-by-case basis. He cannot predict what types of questions that would be asked for a container since he is not sure how it would be used.

Discussion was held on whether the additional three recommendations by City staff are needed. City Manager stated that storage containers are not all equal, not all the same and not designed for this purpose. When a non-building is placed on a site plan that is intended to be used as a building, there are requirements for tie downs, electricity or gas connections. If the recommendations by City staff are left off, the building official will follow what the Code says with respect to life safety issues. Mr. Yaw stated that these containers are evolving and getting listed. The containers are approved and used in the European Union.

City Attorney Michael Tye stated that if a citizen is denied a building permit, the citizen can appeal the determination. It is not as if the building official can hold the project hostage. If the citizen believes that they received a denial from a building official that is inappropriate, the citizen has a venue to appeal. City Manager stated unlike a house where officials know what the relevant information is since houses are engineered, have site plans, have building code requirements. But for containers being used for a purpose that they are not intended, it is tough to determine what those questions might be. Certainly if the building official was outside their scope, City staff could intervene and deal with that. These containers are new.

Council Member Clouse asked if the argument was whether the staff's three recommendations are needed or not. Council Member Nikkila stated he would rather not have the first recommendation but the other two recommendations are not worrisome. Council Member Clouse stated his view on the containers being stackable depends on how the containers are tied down which could be dealt with in the conditional use permit process. Discussion was held on whether

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the proposed amendments to Chapters 12, 14 and 46 of the City Code as recommended by Planning Commission and introduced Ordinance No. 8130 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 Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 8130. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8130 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8130 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8130 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.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Buschkoetter that Subsections 1 through 25 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held February 28, 2017.

2. Approve the following Claims:

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

Agri Co-op \$1,358.45 smcs; Amazon \$3,563.59 smcs; Anderson Bros \$227.58 smcs; Ask Supply \$1,213.35 smcs; Aurora Co-op \$53.28 smcs; Auto Value \$736.18 smcs; Baker & Taylor \$4,519.06 smcs; Blackstone Audio \$392.87 smcs; BlueCrossBlueShield \$52,424.84 smcs; Brilliance Publishing \$29.98 smcs; Briseno,P \$404.10 smcs; Bruha,S \$480.00 smcs; Buffalo Co Atty \$37,500.00 smcs; Butler,R \$66.87 smcs; Capital Business Systems \$169.93 smcs; Cash-Wa \$427.49 smcs; Cengage Learning \$61.49 smcs; Charter \$7.37 smcs; Chesterman \$983.35 smcs; Chief Supply \$19.99 smcs; CIGNA \$7,067.63 smcs; City of Ky \$387,964.53 ps, smcs; Comm Act Part Of MidNE \$878.00 smcs; Comm. Health Charities \$6.00 ps; CopyCat Printing \$264.19 smcs; Cornhusker Cleaning \$58.81 smcs; Credit Mgmt Services \$42.53 smcs; Culligan \$2,028.10 smcs; Cummins \$546.01 smcs; Danko Emergency \$333.51 smcs; DAS St Accounting \$5,483.12 smcs; DeBiak,JorD \$375.00 smcs; Degy Booking \$2,000.00 smcs; Dell \$3,699.90 Co; Diamond Tours \$3,900.00 smcs; Dish \$207.06 smcs; Dmilaco \$752.68 smcs; Dowhy Towing \$324.00 smcs; Dungan,D \$8.26 smcs; Eagle Distributing \$1,203.35 smcs; Eakes \$697.82 smcs; Elliott \$454.56 smcs; EMC Ins \$46,246.21 smcs; Emerson Network Power \$5,530.76 smcs; Farmers Union \$336.00 smcs; Felsburg Holt & Ullevig \$2,378.00 smcs; Fireguard \$1,615.84 smcs; Flaherty,T \$390.00 smcs; Flynn,B \$832.60 smcs; Frontier \$46.17 smcs; Gasper,B \$125.00 smcs; Gear for Sports \$1,399.66 smcs; Graham Tire \$559.00 smcs; Henderson,G \$68.66 smcs; HM Life Ins \$41,138.28 smcs; Holiday Inn \$8,678.15 smcs; Hometown Leasing \$157.20 smcs; Hopkins,T \$40.59 smcs; ICMA \$5,296.14 ps; IRS \$147,661.70 ps; Iwamoto,A \$48.65 smcs; Jack Lederman \$333.95 smcs; Jack's Uniforms \$208.89 smcs; James,D \$40.00 smcs; Johnson Imperial Home \$12,616.52 Co; Ky Animal Shelter \$7,381.25 smcs; Ky Catholic Health \$1,985.10 smcs; Ky Chamber Comm \$3,000.00 smcs; Ky Hub \$1,519.70 smcs; Ky United Way \$661.90 ps; Knott,T \$50.20 smcs; Knox Co \$135.00 smcs; Koettters,J \$832.60 smcs; Konica Minolta \$85.08 smcs; Larue Distributing \$89.00 smcs; League of NE Municipalities \$1,500.00 smcs; Magic Cleaning \$4,740.00 smcs; Malleck,J \$75.52 smcs; Mangels,D \$4,500.00 smcs; Matheson \$24.28 smcs; McAfee \$1,031.52 smcs; Meier,B&R \$270.00 smcs; Mid American Signal \$1,836.00 smcs; Midwest Connect \$3,008.71 smcs; Miller & Associates \$2,522.60 Co; Milliman \$1,800.00 smcs; Mirror Image \$215.70 smcs; Morgan,M \$210.75 smcs; Municipal Supply \$2,109.93 Co; Navigator Motorcoaches \$1,300.00 smcs; NE Child Support \$2,188.20 ps; NE Dept of Rev \$43,312.31 ps; NE Safety \$275.00 smcs; NEland

Distribution \$868.60 smcs; New Directions \$2,685.84 ps; Newman Signs \$153.19 smcs; Nolda,J \$216.00 smcs; Northwestern Energy \$5,693.30 smcs; Nygren's Scrubs LLC \$71.88 smcs; O'Hara Lindsay & Assoc \$2,000.00 smcs; Outdoor Custom Sports. \$1,025.09 smcs; Overhead Door \$167.30 smcs; Paramount \$119.36 smcs; Parkink \$1,286.80 smcs; Payflex \$582.25 ps,SMCS; Peerless Machine \$31,302.40 smcs; Pep Co \$86.34 smcs; Pitney Bows \$60.00 smcs; Plamer,E \$11.94 smcs; Platte Valley Comm \$383.75 smcs; Presto-X \$229.89 smcs; Pulliam,R \$40.00 smcs; Recorded Books \$3,125.93 smcs; Recreonics \$1,587.14 smcs; Rich,T \$50.00 smcs; Sapp Brothers \$15,474.22 smcs; School District #7 \$910.80 smcs; See Clear Cleaning \$1,700.00 smcs; Sesna,D \$832.60 smcs; Simmons,J \$9.34 smcs; Sims,V \$15.00 smcs; SOS Portable Toilets \$145.00 smcs; Strategic Materials \$365.60 smcs; Tacha,J \$50.00 smcs; Titan Machinery \$1,401.86 smcs; Titleist \$6,960.74 smcs; Tri State Oil Reclaimers \$115.00 smcs; TS Construction \$1,250.00 smcs; Tye Law Firm \$13,577.50 smcs; Union Bank & Trust \$72,429.10 ps; Vasquez,T \$34.31 smcs; Verizon Wireless \$1,599.40 smcs; Village Uniform \$306.85 smcs; WW Grainger \$1,427.36 smcs; Walton,T \$40.00 smcs; Warren-T Plumbing \$109.54 smcs; Xerox \$4,675.00 smcs; Payroll Ending 3/4/2017 -- \$425,279.18. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Jessica Homann submitted by Kenlos, LLC dba Nicks on the Brick located at 15 East 24th Street in connection with their Class C-113012 liquor license.

4. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application and Agreement submitted by the Central Nebraska Auto Club to temporarily close Central Avenue from 25th Street to North Railroad Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from 1st Avenue to Avenue A, 21st Street from 1st Avenue to Avenue A, the parking lot located west of Cunningham's Journal, the parking lot located behind City Hall, and the parking lot located north of MONA in conjunction with Cruise Nite 2017 scheduled for July 15, 2017. Parking on these public properties will be prohibited on July 15, 2017 beginning at 2:00 a.m. and adopt Resolution No. 2017-29 making application to the Nebraska Department of Roads for a Permit to use Highway 30 and Central Avenue.

RESOLUTION NO. 2017-29

WHEREAS, the City of Kearney has received and approved an application to conduct a parade on July 15, 2017 beginning at 5:00 p.m. and ending at 6:30 p.m.; and

WHEREAS, the route for the parade will begin at Central Avenue and Railroad Street, go north on Central Avenue and dispersing at the intersection of 31st Street and Central Avenue; and

WHEREAS, with the passage of LB 589, the City of Kearney accepts the duties of protecting the public from damage, injury, or death on July 15, 2017 beginning at 5:00 p.m. and ending at 6:30 p.m.; and

WHEREAS, the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30) on

July 15, 2017 from 5:00 p.m. until 6:30 p.m. and relinquish control of such state highway property to the state; and

WHEREAS, the City is not closing Highway 30; law enforcement stops the parade and allows traffic on Highway 30 to proceed and does not allow long waits for the Highway 30 traffic; and

WHEREAS, the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the parade scheduled for July 15, 2017 beginning at 5:00 p.m. and ending at 6:30 p.m. and that the City accepts the duties of protecting the public from damage, injury, or death associated with said parade.

BE IT FURTHER RESOLVED that the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30), on July 15, 2017 from 5:00 p.m. until 6:30 p.m. and that after such time the City will relinquish control of such state highway property to the state.

BE IT FURTHER RESOLVED that the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

BE IT FURTHER RESOLVED that the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Roads from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the said parade.

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by the 24th Street Night Market to temporarily close 24th Street from 2nd Avenue to A Avenue, 1st Avenue from 24th Street to 23rd Street from 6:30 p.m. until 10:00 p.m. on April 6, 20, May 4, 18, June 1, 15, July 6, 20, August 3, 21, 24, September 7, 21 and October 5.

6. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by the Kearney Police Department to temporarily close Avenue B from Railroad Street to 21st Street from 7:30 a.m. until 5:00 p.m. on April 29.

7. Adopt Resolution No. 2017-30 approving the Professional Service Consultant Agreement between the City of Kearney and Miller & Associates for general administrative services for CD-Phase 1 (Pre-Development) 16-CD-003.

RESOLUTION NO. 2017-30

WHEREAS, the City of Kearney has been awarded Community Development Block Grant Program funds from the Nebraska Department of Economic Development for a Comprehensive Development Planner to assess four different Block Groups that have been identified as low-to-moderate income neighborhoods within the community; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Professional Service Consultant Agreement between the City of Kearney and Miller & Associates for general administrative services for CD-Phase 1 (Pre-Development) 16-CD-003, as set forth in the Agreement. The said Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Adopt Resolution No. 2017-31 approving the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as General Administrator for Downtown Revitalization Phase II-15-DTR-104.

RESOLUTION NO. 2017-31

WHEREAS, the City of Kearney has been awarded Community Development Block Grant Program funds from the Nebraska Department of Economic Development for a Community Development Program; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for a General Grant Administrator 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 Mayor and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as General Administrator in connection with the management and supervision of Downtown Revitalization Phase II-15-DTR-104, as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt Resolution No. 2017-32 approving the Agricultural Lease between the City of Kearney and B & B Bendfeldt Farms and Brenda Bendfeldt to lease 61.4 acres of dry land soybeans located on a tract of land being located in Sections 21, 22, and 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2017-32

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Agriculture Lease Agreement between the City of Kearney and B & B Bendfeldt Farms and Brenda Bendfeldt to lease 61.4 acres of dry land soybeans located on a tract of land being located in Sections 21, 22, and 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (adjacent to Patriot Park) for an annual cash rent being \$4,298.00. The Agreement, marked Exhibit "1" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve the Plans and Specifications for the construction of the 2016 Part 4 Improvements; Avenue M Hike/Bike Trail and set the bid opening date for April 5, 2017 at 2:00 p.m.

11. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their Class YK-077615 liquor license to dispense alcoholic liquors inside the Exposition Building, located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 8, 2017 from 8:00 a.m. to 4:30 p.m. for sampling/tasting.

12. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by PFLAG Pride 2017 March to temporarily close the parking lot located north of the Museum of Nebraska Art from 2:30 p.m. until 5:00 p.m. on May 13.

13. Accept the bids received for the purchase of a skid steer loader used in the Utilities Department and award the bid to Central Nebraska Bobcat in the amount of \$34,733.61.

14. Adopt Resolution No. 2017-33 approving the Amendment No. 3 to the Consultant Agreement with Alfred Benesch and Company for Project No. 3-31-0045-030 for the reconstruction.

RESOLUTION NO. 2017-33

WHEREAS, on June 28, 2016 the City Council adopted Resolution No. 2016-102 approving Amendment No. 1 and Amendment No. 2 to the Consultant Agreement with Alfred Benesch & Company for Project No. 3-31-0045-030 for the reconstruction or rehabilitation of primary Runway 18/36 which is being funded under the FAA Airport Improvement Program; and

WHEREAS, it has been determined and agreed upon by the Nebraska Department of Aeronautics (NDA) and the Federal Aviation Administration (FAA) that the Amendment No. 1 and Amendment No. 2 agreements needs to be amended; and

WHEREAS, the Amendment No. 3 has already been approved by both the Nebraska Department of Aeronautics (NDA) and the FAA;

WHEREAS, Amendment No. 3, marked as Exhibit "A" attached hereto and made a part hereof by reference, is for additional design costs to evaluate the potential runway profiles and complete the final design plans for the profile change, and other associated design changes, in accordance with FAA criteria; and

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 3 to the Consultant Agreement with Alfred Benesch & Company as set forth in said Amendment.

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. 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 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Thursday, April 13, 2017 from 3:00 p.m. until 1:00 a.m. for a fundraiser.

16. 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 liquor license to dispense alcoholic liquor In a 100' x 40' fenced area located south of Cope Stadium on UNK Campus located at 2708 12th Avenue, on Saturday, April 22, 2017 from 10:00 a.m. until 6:00 p.m. for a football tailgating event.

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 liquor license to dispense alcoholic liquor inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 6, 2017 from 3:00 p.m. until 12:00 a.m. for a car show.

18. 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 liquor license to dispense alcoholic liquor inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 6, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.

19. 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 liquor license to dispense alcoholic liquor inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 12 and May 13, 2017 from 3:00 p.m. until 1:00 a.m. for a wine and jazz festival.
20. 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 liquor license to dispense alcoholic liquor inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 13, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
21. 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 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 20, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
22. 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 liquor license to dispense alcoholic liquor inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 20, 2017 from 3:00 p.m. until 1:00 a.m. for a reception.
23. 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 liquor license to dispense alcoholic liquor inside the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, May 27, 2017 from 3:00 p.m. until 1:00 a.m. for a quinceanera.
24. Adopt Resolution No. 2017-34 approving the recommendation submitted by the Fire Chief to include Kyle Smith as a member of the Kearney Volunteer Fire Department.

RESOLUTION NO. 2017-34

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded a name of an individual desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the person recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as a member of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

25. Adopt Resolution No. 2017-35 approving the Developer Constructed Infrastructure Agreement; Marianne Hunt 2nd Addition between the City of Kearney and Gene and Deb McElhinney for improvements to serve Lots 1, 2, 3, 4, 6, 7, 10, 11, 14, 15 of Block One; Lots 1, 4, 5, 8, 9, 12, 13, 16 of Block Two; and Lots 2, 3, 4, 5, 6, 7 of Block Five, Marianne Hunt 2nd Addition.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8131 AMENDING SECTIONS OF CHAPTERS 9 AND 10 OF CITY CODE

This ordinance updates Chapters 9 and 10 of the City Code involving the Post-Construction Stormwater Management Program. The ordinance specifically amends Sections 9-1016, 9-1502, 9-1505, 9-1521, 9-1524, 9-1536, 9-1539, 9-1540, 9-1561, 9-1601, 9-1602, 9-1603, 9-1607, 9-1616, 9-1618, 9-1626, 9-1627, 9-1628, 9-1633, 9-1643 and Sections 10-203.1, 10-405, 10-501, 10-502, 10-503, 10-504 and adds a section to Division III of Article 16 in Chapter 9 to include: adding new definitions involving the Post-Construction Stormwater Management Program; adding reference to the September 1, 2017 timeline for implementation of Post-Construction parameters; replacing references of 'BMP' as it pertains to Post-Construction with Stormwater Treatment Facility (STF); adding reference to the Post-Construction Stormwater Management Program for aid in standards/technical issues/design manuals; and the majority of the amendments are simple housekeeping matters by replacing the two-word phrase 'Storm Water' with one word 'Stormwater'.

Council Member Buschkoetter introduced Ordinance No. 8131 amending several sections of Chapter 9 "Public Works" and Chapter 10 "Utilities" of the City Code to change the reference of storm water to stormwater, including definitions for involving the Post-Construction Stormwater Management Program, adding reference to the Post-Construction Stormwater Management Program for aid in standards/technical issues/design manuals, and replacing certain references of Best Management Practices

(BMP) as it pertains to Post-Construction with Stormwater Treatment Facility (STF), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8131. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8131 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8131 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8131 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.

ORDINANCE NO. 8132 SELLING PROPERTY TO MIDWEST PARTITIONS

The City of Kearney owns the large industrial building on Airport Road that had previously been leased to Pramac. Midwest Partitions agreed to purchase the property for \$800,000 and would be obligated to finish the improvements to the building within two years and maintain the 30 new jobs for a minimum of three years. The City of Kearney would also retain a right of first refusal with reference to this property for a period of five years. At the last Council meeting, the Council approved the Real Estate Purchase Agreement as well as the Developer Infrastructure and Annexation Agreement.

In accordance with Section 16-202 of the Nebraska Revised Statutes, the power to sell and convey real estate owned by the City shall be exercised by ordinance directing the conveyance of such real estate and the manner and terms thereof. Notice of such sale and the terms thereof shall be published for three consecutive weeks in a legal newspaper.

Council Member Buschkoetter introduced Ordinance No. 8132 selling proposed Lot 2, Patriot First Subdivision to Midwest Partitions and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8132. President of the Council asked for discussion or if anyone in the audience was

interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8132 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8132 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8132 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

REDEVELOPMENT PROJECT FOR 2016 EAST HIGHWAY 30

Mayor Clouse opened for discussion the redevelopment project submitted by L & P Investments, LLC for Redevelopment Area #5 for an area described as a tract of land located in the Southwest Quarter of the Southeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2016 East Highway 30) and to consider Resolution No. 2017-36.

Assistant City Manager Paul Briseno presented this matter to the Council. This item was brought forward by Danny and Jordan Starostka. They are proposing a new development on the north side of Highway 30 which will add value of approximately \$4 million dollars. The current existing site is valued at \$226,275. The CRA, as well as City staff, is recommending approval of 80 percent increment not to exceed \$810,600. Mr. Starostka is planning on adding four buildings at 12,000 square feet per building on 4.8 acres. Mr. Starostka has a similar development in Grand Island.

Jordan Starostka, 4207 Country Club Lane, stated their company has buildings like the proposed building in Kearney already and some in Grand Island. There are many different uses for these buildings. Other buildings contain a pharmacy, a daycare, a dance works, and the use is really unlimited. These buildings will be broken down from one to three units each.

Moved by Lammers seconded by Nikkila to approve the finding that the redevelopment project set forth in the application submitted by L & P Investments, LLC would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 80 percent of the annual increment in real estate taxes, not to exceed the lessor of \$810,600, or the certified

eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2017 and to adopt Resolution No. 2017-36 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with L & P Investments, LLC. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2017-36

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 located in the Southwest Quarter of the Southeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, said tract being laid out on part of Blocks 112, 113, 118, 119, part of Avenue V, and part of 27th Street, all being formally in Midway Land Company's Second East Lawn Addition to the City of Kearney, and all being now vacated, said tract of land being more particularly described as followed: Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 31, thence East 466.2 feet, thence South 423.2 feet to a point on the North boundary of US Highway 30, running thence in a Southwesterly direction along the North boundary of said Highway a distance of 384.7 feet, running thence North 196.95 feet, thence West 100.0 feet, and running thence North 334.85 feet to the place of beginning, Buffalo County, Nebraska (Parcel ID 600016000); 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 located in the Southwest Quarter of the Southeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, said tract being laid out on part of Blocks 112, 113, 118, 119, part of Avenue V, and part of 27th Street, all being formally in Midway Land Company's Second East Lawn Addition to the City of Kearney, and all being now vacated, said tract of land being more particularly described as followed: Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 31, thence East 466.2 feet, thence South 423.2 feet to a point on the North boundary of US Highway 30, running thence in a Southwesterly direction along the North boundary of said Highway a distance of 384.7 feet, running thence North 196.95 feet, thence West 100.0 feet, and running thence North 334.85 feet to the place of beginning, Buffalo County, Nebraska (Parcel ID 600016000) is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land located in the Southwest Quarter of the Southeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, said tract being laid out on part of Blocks 112, 113, 118, 119, part of Avenue V, and part of 27th Street, all being formally in Midway Land Company's Second East Lawn Addition to the City of Kearney, and all being now vacated, said tract of land being more particularly described as followed: Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 31, thence East 466.2 feet, thence South 423.2 feet to a point on the North boundary of US Highway 30, running thence in a Southwesterly direction along the North boundary of said Highway a distance of 384.7 feet, running thence North 196.95 feet, thence West 100.0 feet, and running thence North 334.85 feet to the place of beginning, Buffalo County, Nebraska (Parcel ID 600016000) shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

the same proportion as are all other taxes collected by or for the body; and

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

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

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

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

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REDEVELOPMENT PROJECT FOR EAST OF AVENUE N AND SOUTH OF LEVANDER'S BODY SHOP

Mayor Clouse opened for discussion the redevelopment project submitted by EKCEWEG, LLC for Redevelopment Area #5 for an area described as Lot 3, Great Western Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue N and south of Levander's Body Shop) and to consider Resolution No. 2017-37.

Assistant City Manager Paul Briseno presented this matter to the Council. The current value of this location is \$115,555 and the new value once completed is estimated at \$842,000. City staff and CRA are recommending 80 percent increment not to exceed \$122,115. The project will be an 8,000 square foot structure called Funtastic and will offer bounce houses, imagination building blocks, a dance area, a toddler play area as well as private party rooms.

Council Member Nikkila stated that this area was previously described as such a challenging piece of land due to the railroad tracks and the different uses in the area but now, with this plot, the area will be completely filled in. This area has been an excellent use of tax increment financing.

Moved by Nikkila seconded by Buschkoetter to approve the finding that the redevelopment project set forth in the application submitted by EKCEWEG, LLC would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 80 percent of the estimated project costs, not to exceed the lessor of \$122,115, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2017 and to adopt Resolution No. 2017-37 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with EKCEWEG, LLC. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2017-37

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 3, Great

Western Second Addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 602097030); 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 3, Great Western Second Addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 602097030) 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 3, Great Western Second Addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 602097030) shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

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

c. Any interest and penalties due for delinquent taxes shall be paid into the

funds of each public body in the same proportion as are all other taxes collected by or for the public body.

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

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

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 2017.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

VII. REPORTS

Council member Lammers thanked the City staff for contacting the County with regard to possibly placing 4-way stop at the intersection of 56th Street and Antelope Avenue.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:02 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

ATTEST:

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

MICHAELLE E. TREMBLY
CITY CLERK