

Kearney, Nebraska
July 10, 2018
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on July 10, 2018 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Jason Whalen, Fire Administrator; Shawna Erbsen, Administrative Services Director; and Peggy Eynetich, Deputy City Clerk were also present. Members of the media present included: Mike Konz from the Kearney Hub and Sydney Edwards from NTV.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

Pastor Drew Weir provided the Invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED AT 1616 WEST 39TH STREET

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for The First Baptist Church of Kearney, Nebraska, a Non-Profit Corporation for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Civic to Neighborhood Mixed Use property described as Lots 10 through 23, inclusive, Block 6, Northwest Heights Subdivision to the City of Kearney, Buffalo County, Nebraska (1616 West 39th Street) and consider Resolution No. 2018-100. Planning Commission recommended approval.

Craig Bennett from Miller and Associates presented this matter to the Council. Rezoning is being requested on a parcel of land that is on the south side of 39th Street and the east side of 17th Avenue; current zoning is R-1. This property is one of the few large parcels left along 39th Street that has not been rezoned to a higher density zoning. Currently there is R-3 and C-O zoning to the north of the property, C-1/PD to the northwest, and R-3/PD to the west. Additionally a request is being made to amend the Land Use Map from Civic to M-U1 (Mixed Use Neighborhood zone). The existing subdivision created in 1959 designated the lots as Lots 10-23 of the Northwest Heights Subdivision which consists of 3.23 acres. There is an established landscape buffer of trees on the east side of the property.

Council Member Buschkoetter questioned what kind of access would be available from the property to 39th Street? Mr. Bennett stated the access to 39th Street would not change; there are currently two access points onto 39th Street with additional access on the south side of the property onto 38th Street. Because C-O allows for a light office use, the accesses would most likely have a similar use to a peak time of a Sunday service.

Council Member Nikkila questioned if the property would need to be replatted? Mr. Bennett stated that replatting will not need to occur to the property.

Council Member Lammers questioned if there would be an access to 17th Avenue? Mr. Bennett stated there would not be due to the placement of the building.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2018-100 approving the application submitted by Miller & Associates for The First Baptist Church of Kearney, Nebraska, a Non-Profit Corporation for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Civic to Neighborhood Mixed Use property described as Lots 10 through 23, inclusive, Block 6, Northwest Heights Subdivision to the City of Kearney, Buffalo County, Nebraska (1616 West 39th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-100

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for Lots 10 through 23, inclusive, Block 6, Northwest Heights Subdivision to the City of Kearney, Buffalo County, Nebraska from Civic to Neighborhood Mixed Use, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Civic to Neighborhood Mixed Use the use classification for Lots 10 through 23, inclusive, Block 6, Northwest Heights Subdivision to the City of Kearney, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 10TH DAY OF JULY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED AT 1616 WEST 39TH STREET

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for The First Baptist Church of Kearney, Nebraska, a Non-Profit Corporation to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O, Office District property described as Lots 10 through 23, both inclusive, Block 6, Northwest Heights Subdivision to the City of Kearney, Buffalo County, Nebraska (1616 West 39th Street) and consider Ordinance No. 8256. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by Miller & Associates for The First Baptist Church of Kearney, Nebraska, a Non-Profit Corporation to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O, Office District property described as Lots 10 through 23, both inclusive, Block 6, Northwest Heights Subdivision to the City of Kearney, Buffalo County, Nebraska (1616 West 39th Street) 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.

8256. 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, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8256 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8256 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8256 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.

REZONE PROPERTY LOCATED AT 1850 WEST HIGHWAY 40

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Wayne and Jamie Paquin to rezone from District C-3/PD, General Commercial/Planned Development Overlay District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of Lot Two, Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1850 West Highway 40) and consider Ordinance No. 8257. Planning Commission recommended approval.

Trenton Snow presented this matter to the Council. The property is located close to 17th Avenue and Highway 40. Previously a new subdivision was brought before Council to plat a two lot subdivision called Deets Subdivision. Mr. Paquin purchased Lot 2 of Deets Subdivision; the lot wraps around two previously purchased lots by Mr. Paquin in Paquin and Deets Subdivision. A minor subdivision has already been approved for the portion of Lot 2 that is located behind the Paquin's residence; this area is where rezoning from C-3/PD to RR-1 is being requested.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Trenton Snow for Wayne and Jamie Paquin to rezone from District C-3/PD, General Commercial/Planned Development Overlay District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of Lot Two, Deets Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 10 and part of the Northeast Quarter of the Northeast Quarter of Section 15, all in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1850 West Highway 40) 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 close the hearing and suspend the rules for Ordinance No. 8257. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8257 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8257 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8257 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.

AMENDMENT TO REDEVELOPMENT AREA #2

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing to consider an amended Redevelopment Plan for Redevelopment Area #2 and described as south from the intersection of South Railroad Street and the alley between Central Avenue and "A" Avenue to the southern Right of Way (R.O.W.) of 8th Street, thence west one half block, thence south along the eastern R.O.W. of Central Avenue to a point 125' north of Landon Street, thence east to the corporate limits, thence south along the corporate limits to the southern bank of the north channel of the Platte River, thence west along the corporate limits to a point approximately 405' east of Central Avenue, thence south along the property line to the northern R.O.W. of Interstate 80, thence west and north along R.O.W. to the eastern 2nd Avenue R.O.W., thence north along R.O.W. to the southern bank of the north channel of the Platte River, thence east to western boundaries of the parcels adjacent to Central Avenue (approximately 200'), thence north along the property lines of the said parcels, thence east along the northern R.O.W. of 4th Street to a point 240' west of Central Avenue, thence north along the western boundaries of the parcels adjacent to Central Avenue, thence north along the eastern and the northern property line of lot 7 of H-D-R 2nd addition, thence north along the western edge of vacated 1st Avenue to the northern R.O.W. of 12th Street, thence east one half block to the center line of the alley, thence north to 14th Street's northern R.O.W. thence east to Western Central Avenue R.O.W., thence north along R.O.W. to southern R. O.W. of 16th Street, thence west one half block to the center line of the alley, thence north to South Railroad Street, thence east to the point of origin, all located in the City of Kearney, Buffalo County, Nebraska; AND south from the intersection of South Railroad Street and the alley between Central Avenue and "A" Avenue to the southern Right of Way (R.O.W.) of 8th Street, thence

west one half block, thence south along the eastern R.O.W. of Central Avenue to a point 125' north of Landon Street, thence east to the corporate limits, thence south along the corporate limits to the southern bank of the north channel of the Platte River, thence west along the corporate limits to a point approximately 405' east of Central Avenue, thence south along the property line to the northern R.O.W. of Interstate 80, thence west and north along R.O.W. to 2nd Avenue, thence southwest along Interstate 80's northern R.O.W. to the city limits, thence generally north along the corporate limits to the southern bank of North Channel of the Platte River, thence east along said bank to eastern R.O.W. of 2nd Avenue, thence east to western boundaries of the parcels adjacent to Central Avenue (approximately 200'), thence north along the property lines of the said parcels, thence east along the northern R.O.W. of 4th Street to a point 240' west of Central Avenue, thence north along western boundaries of the parcels adjacent to Central Avenue, thence north along the eastern and the northern property line of lot 7 of H-D-R 2nd addition, thence north along the western edge of vacated 1st Avenue to the northern R.O.W. of 12th Street, thence east one half block to the center line of the alley, thence north to 14th Street's northern R.O.W. thence east to Western Central Avenue R.O.W., thence north along R.O.W. to southern R. O.W. of 16th Street, thence west one half block to the center line of the alley, thence north to South Railroad Street, thence east to the point of origin, all located in the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2018-101.

City Manager Michael Morgan presented this matter to the Council. The amendments would allow an enhanced employment area to become incorporated into Redevelopment Areas 2 and 8. This would allow for financing a general business occupation tax to be considered by the developer moving forward; this is the first step of many for this project.

Mayor Clouse questioned what the enhancement pertains to? City Manager stated there is a provision under the law that allows for the general business occupation tax which requires the area to be in the CRA area. It must meet the enhanced employment area which has a specific outline of the amount of investment and the number of jobs created for development to be able to access this type of funding.

Council Member Nikkila questioned if the eligible costs are the same as TIF? City Manager stated there are some minor differences, the general business occupation tax allows slightly more flexibility than TIF, however; the majority of the funds will be similar and run a dual course with GBOT funding and TIF. A significant amount of the funding will go towards large public infrastructure including sewer and roads in the area.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2018-101 approving the amended Redevelopment Plan for Redevelopment Area #2 and described as south from the intersection of South Railroad Street and the alley between Central Avenue and "A" Avenue to the southern Right of Way (R.O.W.) of 8th Street, thence west one half block, thence south along the eastern R.O.W. of Central Avenue to a point 125' north of Landon Street, thence east to the corporate limits, thence south along the corporate limits to the southern bank of the north channel of the Platte River, thence west along the corporate limits to a point approximately 405' east of

Central Avenue, thence south along the property line to the northern R.O.W. of Interstate 80, thence west and north along R.O.W. to the eastern 2nd Avenue R.O.W., thence north along R.O.W. to the southern bank of the north channel of the Platte River, thence east to western boundaries of the parcels adjacent to Central Avenue (approximately 200'), thence north along the property lines of the said parcels, thence east along the northern R.O.W. of 4th Street to a point 240' west of Central Avenue, thence north along the western boundaries of the parcels adjacent to Central Avenue, thence north along the eastern and the northern property line of lot 7 of H-D-R 2nd addition, thence north along the western edge of vacated 1st Avenue to the northern R.O.W. of 12th Street, thence east one half block to the center line of the alley, thence north to 14th Street's northern R.O.W. thence east to Western Central Avenue R.O.W., thence north along R.O.W. to southern R. O.W. of 16th Street, thence west one half block to the center line of the alley, thence north to South Railroad Street, thence east to the point of origin, all located in the City of Kearney, Buffalo County, Nebraska; AND south from the intersection of South Railroad Street and the alley between Central Avenue and "A" Avenue to the southern Right of Way (R.O.W.) of 8th Street, thence west one half block, thence south along the eastern R.O.W. of Central Avenue to a point 125' north of Landon Street, thence east to the corporate limits, thence south along the corporate limits to the southern bank of the north channel of the Platte River, thence west along the corporate limits to a point approximately 405' east of Central Avenue, thence south along the property line to the northern R.O.W. of Interstate 80, thence west and north along R.O.W. to 2nd Avenue, thence southwest along Interstate 80's northern R.O.W. to the city limits, thence generally north along the corporate limits to the southern bank of North Channel of the Platte River, thence east along said bank to eastern R.O.W. of 2nd Avenue, thence east to western boundaries of the parcels adjacent to Central Avenue (approximately 200'), thence north along the property lines of the said parcels, thence east along the northern R.O.W. of 4th Street to a point 240' west of Central Avenue, thence north along western boundaries of the parcels adjacent to Central Avenue, thence north along the eastern and the northern property line of lot 7 of H-D-R 2nd addition, thence north along the western edge of vacated 1st Avenue to the northern R.O.W. of 12th Street, thence east one half block to the center line of the alley, thence north to 14th Street's northern R.O.W. thence east to Western Central Avenue R.O.W., thence north along R.O.W. to southern R. O.W. of 16th Street, thence west one half block to the center line of the alley, thence north to South Railroad Street, thence east to the point of origin, all located in the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2018-101

WHEREAS, the City Council created the City of Kearney Community Redevelopment Authority in September, 1993; and

WHEREAS, the Community Redevelopment Authority commissioned Hanna:Keelan Associates in February, 1994 to conduct necessary surveys on redevelopment in area determined to be blighted or substandard and provide a general redevelopment plan for Redevelopment Area #2; and

WHEREAS, the Community Redevelopment Authority later commissioned Hanna:Keelan Associates in April, 1995 to conduct an amended survey on redevelopment in Area 2 determined to be blighted or substandard and provide a

general redevelopment plan for Redevelopment Area #2 to include Amendment #1 on the Central Avenue Corridor; and

WHEREAS, on November 8, 1994, City Council approved Redevelopment Area #2 and later on June 27, 1995, City Council approved Amendment #1 for Redevelopment Area #2; and

WHEREAS, a developer desires to create an Enhanced Employment Area (EEA) throughout areas included in Redevelopment Area #2 and Redevelopment Area #8 and in order to add an EEA to a redevelopment area, an amended Redevelopment Plan for Area # and Area #8 must be submitted for approval; and

WHEREAS, Baird Holm, LLP from Omaha, Nebraska has submitted an amended Redevelopment Plan for Redevelopment Area #2; and

WHEREAS, the amended Redevelopment Plan for Area #2 was reviewed, considered and approved by the Community Redevelopment Authority on July 5, 2018 with the recommendation that the Council of the City of Kearney adopt and approve the amended Redevelopment Plan for Redevelopment Area #2.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the amended Redevelopment Plan for Area #2 known as "Amendment to the Area 2 and Area 8 Redevelopment Plans of the City of Kearney, Nebraska" as submitted by Baird Holm, LLP for an area described as follows: south from the intersection of South Railroad Street and the alley between Central Avenue and "A" Avenue to the southern Right of Way (R.O.W.) of 8th Street, thence west one half block, thence south along the eastern R.O.W. of Central Avenue to a point 125' north of Landon Street, thence east to the corporate limits, thence south along the corporate limits to the southern bank of the north channel of the Platte River, thence west along the corporate limits to a point approximately 405' east of Central Avenue, thence south along the property line to the northern R.O.W. of Interstate 80, thence west and north along R.O.W. to the eastern 2nd Avenue R.O.W., thence north along R.O.W. to the southern bank of the north channel of the Platte River, thence east to western boundaries of the parcels adjacent to Central Avenue (approximately 200'), thence north along the property lines of the said parcels, thence east along the northern R.O.W. of 4th Street to a point 240' west of Central Avenue, thence north along the western boundaries of the parcels adjacent to Central Avenue, thence north along the eastern and the northern property line of lot 7 of H-D-R 2nd addition, thence north along the western edge of vacated 1st Avenue to the northern R.O.W. of 12th Street, thence east one half block to the center line of the alley, thence north to 14th Street's northern R.O.W. thence east to Western Central Avenue R.O.W., thence north along R.O.W. to southern R. O.W. of 16th Street, thence west one half block to the center line of the alley, thence north to South Railroad Street, thence east to the point of origin, all located in the City of Kearney, Buffalo County, Nebraska; AND south from the intersection of South Railroad Street and the alley between Central Avenue and "A" Avenue to the southern Right of Way (R.O.W.) of 8th Street, thence west one half block, thence south along the eastern R.O.W. of Central Avenue to a point 125' north of Landon Street, thence east to the corporate limits, thence south along the corporate limits to the southern bank of the north channel of the Platte River, thence west along the corporate limits to a point approximately 405' east of Central Avenue, thence south along the property line to the northern R.O.W. of Interstate 80, thence west and north along R.O.W. to 2nd Avenue, thence southwest along Interstate 80's northern R.O.W. to the city limits, thence generally north along the corporate limits to the southern bank of North Channel of the Platte River, thence east along said bank to eastern R.O.W. of

2nd Avenue, thence east to western boundaries of the parcels adjacent to Central Avenue (approximately 200'), thence north along the property lines of the said parcels, thence east along the northern R.O.W. of 4th Street to a point 240' west of Central Avenue, thence north along western boundaries of the parcels adjacent to Central Avenue, thence north along the eastern and the northern property line of lot 7 of H-D-R 2nd addition, thence north along the western edge of vacated 1st Avenue to the northern R.O.W. of 12th Street, thence east one half block to the center line of the alley, thence north to 14th Street's northern R.O.W. thence east to Western Central Avenue R.O.W., thence north along R.O.W. to southern R. O.W. of 16th Street, thence west one half block to the center line of the alley, thence north to South Railroad Street, thence east to the point of origin, all located in the City of Kearney, Buffalo County, Nebraska, marked as Exhibit "A" is attached hereto and made a part hereby by reference be and is hereby approved.

PASSED AND APPROVED THIS 10TH DAY OF JULY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

AMENDMENT TO REDEVELOPMENT AREA #8

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing to consider an amended Redevelopment Plan for Redevelopment Area #8 and described as at the intersection of the north line of 8th Street W and the east line of 3rd Avenue, thence southward across 8th Street West, continuing south along the east line of 3rd Avenue to the south line of 4th Street West, thence slightly east along said line to the west line of the public right-of-way of 2nd Avenue, thence south along said line to the north banks of the North Branch of the Platte River, thence following the stream banks west for approximately 800', thence south along a line from said point to the north line of Talmadge Street, thence west for approximately 200', thence south across Talmadge Street, following along the Corporate Limits Line between the south line of Talmadge Street and the north boundary of the public Right-of-Way of Interstate 80, thence west along said north line for approximately 2,430' to a point, thence north along said extended line approximately 2,280' to its intersection with the north line of the concrete walking trail along the south side of the North Branch of the Platte River, thence meandering easterly along said north line of said concrete trail to its intersection with an extended west line of Lot 8, Block 4 of the Centennial Subdivision, thence north along said west line approximately 1,765' to its intersection with the south line of the Centennial Subdivision (also the Corporate Limit Line), thence east along said south line to its intersection with the west line of 6th Avenue, thence north along said line to its intersection with the north line of 8th Street West, thence east along said north line to its intersection with the east line of 3rd Avenue, also the point of beginning, all located in City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2018-102.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No.

2018-102 approving the amended Redevelopment Plan for Redevelopment Area #8 and described as at the intersection of the north line of 8th Street W and the east line of 3rd Avenue, thence southward across 8th Street West, continuing south along the east line of 3rd Avenue to the south line of 4th Street West, thence slightly east along said line to the west line of the public right-of-way of 2nd Avenue, thence south along said line to the north banks of the North Branch of the Platte River, thence following the stream banks west for approximately 800', thence south along a line from said point to the north line of Talmadge Street, thence west for approximately 200', thence south across Talmadge Street, following along the Corporate Limits Line between the south line of Talmadge Street and the north boundary of the public Right-of-Way of Interstate 80, thence west along said north line for approximately 2,430' to a point, thence north along said extended line approximately 2,280' to its intersection with the north line of the concrete walking trail along the south side of the North Branch of the Platte River, thence meandering easterly along said north line of said concrete trail to its intersection with an extended west line of Lot 8, Block 4 of the Centennial Subdivision, thence north along said west line approximately 1,765' to its intersection with the south line of the Centennial Subdivision (also the Corporate Limit Line), thence east along said south line to its intersection with the west line of 6th Avenue, thence north along said line to its intersection with the north line of 8th Street West, thence east along said north line to its intersection with the east line of 3rd Avenue, also the point of beginning, all located in City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2018-102

WHEREAS, the City Council created the City of Kearney Community Redevelopment Authority in September, 1993; and

WHEREAS, the Community Redevelopment Authority commissioned Hanna:Keelan Associates in 2006 to conduct necessary surveys on redevelopment in area determined to be blighted or substandard and provide a general redevelopment plan for Redevelopment Area #8; and

WHEREAS, on October 24, 2006, City Council approved Redevelopment Area #8; and

WHEREAS, a developer desires to create an Enhanced Employment Area (EEA) throughout areas included in Redevelopment Area #2 and Redevelopment Area #8 and in order to add an EEA to a redevelopment area, an amended Redevelopment Plan for Area # and Area #8 must be submitted for approval; and

WHEREAS, Baird Holm, LLP from Omaha, Nebraska has submitted an amended Redevelopment Plan for Redevelopment Area #8; and

WHEREAS, the amended Redevelopment Plan for Area #8 was reviewed, considered and approved by the Community Redevelopment Authority on July 5, 2018 with the recommendation that the Council of the City of Kearney adopt and approve the amended Redevelopment Plan for Redevelopment Area #8.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the amended Redevelopment Plan for Area #8 known as "Amendment to the Area 2 and Area 8 Redevelopment Plans of the City of Kearney, Nebraska" as submitted by Baird Holm, LLP for an area described as follows: at the intersection of the north line of 8th Street W and the east line of 3rd Avenue, thence southward across 8th Street West, continuing south along the east line of 3rd Avenue to

the south line of 4th Street West, thence slightly east along said line to the west line of the public right-of-way of 2nd Avenue, thence south along said line to the north banks of the North Branch of the Platte River, thence following the stream banks west for approximately 800', thence south along a line from said point to the north line of Talmadge Street, thence west for approximately 200', thence south across Talmadge Street, following along the Corporate Limits Line between the south line of Talmadge Street and the north boundary of the public Right-of-Way of Interstate 80, thence west along said north line for approximately 2,430' to a point, thence north along said extended line approximately 2,280' to its intersection with the north line of the concrete walking trail along the south side of the North Branch of the Platte River, thence meandering easterly along said north line of said concrete trail to its intersection with an extended west line of Lot 8, Block 4 of the Centennial Subdivision, thence north along said west line approximately 1,765' to its intersection with the south line of the Centennial Subdivision (also the Corporate Limit Line), thence east along said south line to its intersection with the west line of 6th Avenue, thence north along said line to its intersection with the north line of 8th Street West, thence east along said north line to its intersection with the east line of 3rd Avenue, also the point of beginning, all located in City of Kearney, Buffalo County, Nebraska, marked as Exhibit "A" is attached hereto and made a part hereby by reference be and is hereby approved.

PASSED AND APPROVED THIS 10TH DAY OF JULY, 2018.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 4 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held June 26, 2018.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

Aden,B \$100.00 smcs; Alfred Benesch \$73,189.68 co; Amazon \$96.90 smcs; Anderson Bros. \$890.42 smcs; Artisans \$125.00 ps; Ask Supply \$162.19 smcs; Baker & Taylor \$4,583.00 smcs; Bells Construction \$780.00 co; Blackstone Audio \$582.67 smcs; Blessing \$280,312.65 co; BlueCross BlueShield \$37,724.30 smcs; Bogers,S \$30.00 smcs; Bosselman \$19,925.65 smcs; Bowman,R \$23.37 smcs; Bridgett Lavene Consult. \$1,666.67 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Register Deeds \$66.00 smcs; Builders \$579.02 smcs,co; Capital Business Systems \$6.40 smcs; Cash-

Wa \$8,341.67 smcs; Chesterman \$4,456.20 smcs; Cigna \$7,143.95 smcs; City of Ky \$563,499.86 smcs,ps; Comm. Health Charities \$27.00 ps; Compasscom \$157.50 smcs; Copycat Printing \$2,453.87 smcs; Core & Main \$4,718.70 smcs; Credit Mgmt. Services \$67.37 ps; Cummins \$372.23 smcs; Cutter & Buck \$1,455.60 smcs; Cypress Information \$926.10 smcs; Dell \$2,510.98 smcs; Depository Trust \$268,200.00 ds; DPC Industries \$6,823.89 smcs; Eagle Distributing \$1,094.80 smcs; Eakes \$242.97 smcs; Engineered Controls \$1,165.03 smcs; Ensley Electrical \$760.00 smcs; Evers,B \$697.50 smcs; Excel Manufacturing \$79,108.50 co; Fiddelke \$85.00 smcs; First Holiday Tour \$4,340.00 smcs; Fuehrer,K \$23.16 smcs; Furr,B \$8.90 smcs; Gale \$493.61 smcs; Gangwish Turf \$32.25 co; Gannon Travel \$245.00 smcs; GD Concrete \$217,049.58 co; Government Finance Officers \$225.00 smcs; Grazier, Amanda \$27.00 smcs; Greater NE Cities \$1,000.00 smcs; HM Life Insurance \$48,387.00 smcs; Hometown Leasing \$159.08 smcs; ICMA \$5,292.47 ps; IRS \$163,291.88 ps; Jahn,E \$108.00 smcs; Johnson Controls \$1,523.17 smcs; Johnson,D \$145.00 smcs; Ky Powersports \$2,347.14 smcs; Ky United Way \$1,005.32 ps; Ky Visitors Bureau \$47,836.17 smcs; Konica Minolta \$1,717.28 smcs; Logan Contractors \$178.64 smcs; Magic Cleaning \$6,540.00 smcs; Martinez,M \$50.62 smcs; Matheson \$39.80 smcs; McCormick,D \$2.05 smcs; McLaughlin,P \$1,297.79 smcs; Mefferd,E \$724.50 smcs; Menards \$49.99 co; Mid-NE Garage Doors \$100.00 smcs; Midwest Connect \$6,842.52 smcs; Miller & Associates \$74,550.00 co; Miller Signs \$1,031.00 smcs; Moonlight Embroidery \$910.25 smcs; Motorola \$859.35 smcs; Murphy Tractor \$253,895.00 co; Navigator Motorcoaches \$700.00 smcs; NE Child Pymt. Ctr. \$1,991.97 ps; NE Dept. Revenue \$75,341.11 ps; NE Library Commission \$7,491.00 smcs; NE Public Health \$15.00 smcs; Nebraskaland Distributors \$1,086.55 smcs; NELTC \$30.00 smcs; Northwest Electric \$1,777.27 smcs; Northwestern \$310.97 smcs; Odeys \$849.15 smcs; Olsson Associates \$32,554.00 smcs,co; One Call Concepts \$560.16 smcs; Paramount \$70.75 smcs; Pasquinely, Dominic \$43.91 smcs; Paulsen \$1,091,877.21 co; Payflex System \$527.00 ps; Penguin Random House \$516.00 smcs; Ping \$88.05 smcs; Platte Valley Laboratories \$62.50 smcs; Presto-X \$226.00 smcs; Purdy, J \$70.00 smcs; Ready Mixed \$1,512.00 smcs; Rheome Tree \$1,705.00 smcs; S&J Construction \$6,235.50 co; S2O Design \$2,934.29 co; Schmittel,M \$82.21 smcs; School District #7 \$846.95 smcs; See Clear Cleaning \$2,050.00 smcs; Silverstone Group \$4,860.00 smcs; Sister Cities Int'l \$595.00 smcs; SOS Portable Toilets \$505.00 smcs; SRS Tactical \$6,020.00 smcs; State of NE/DAS Accounting \$89.44 smcs; Streets \$446.28 smcs; Superior \$117,995.75 smcs; Thomsen,K \$70.00 smcs; Tour Edge Golf \$227.56 smcs; Trade Well Pallet \$980.00 smcs; Trenton D. Snow \$450.00 smcs; Tri City Sign \$210.00 smcs; Tripe,T \$35.00 smcs; Turner Body Shop \$100.00 smcs; Tye & Rowling \$13,483.45 smcs; Tyler Technologies \$77.97 smcs; Union Bank & Trust \$73,642.01 ps; Union Pacific Railroad \$100.00 er; Van Diest Supply \$3,287.41 smcs; Verizon \$7,370.08 smcs; Waldinger Corp. \$131.25 smcs; Warrington,D \$222.00 smcs; Weller,B \$192.00 smcs; Whalen,J \$607.50 smcs; Payroll Ending 06/23/2018 -- \$523,684.28 and 07/07/2018 -- \$519,421.34. 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. Adopt Resolution No. 2018-103 approving Application and Certificate for Payment No. 4 in the amount of \$24,004.12 submitted by Blessing, LLC and approved by Miller & Associates for the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club

Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition.

RESOLUTION NO. 2018-103

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$24,004.12 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$365,152.20
Change Order #1 (4-24-2018)	<u>+ \$6,353.13</u>
Contract Sum To Date	371,505.33
Gross Amount Due	237,679.36
Retainage (10%)	- 11,883.97
Amount Due to Date	225,795.39
Less Previous Certificates for Payment	<u>- 201,791.27</u>
Current Payment Due	\$ 24,004.12

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

PASSED AND APPROVED THIS 10TH DAY OF JULY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

4. Approve the recommendation from the Development Services Division on extending the current license for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue an additional 60 days to correct the deficiencies.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

SECOND READING OF ORDINANCE NO. 8255

Council Member Buschkoetter introduced the second reading of Ordinance No. 8255 annexing the following tract of land to be included within the corporate limits: a tract of land being part of Government Lot 4 in Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land being part of Government Lot 3 in Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND Slaughter Addition, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 15

West of the 6th P.M., Buffalo County, Nebraska; TOGETHER WITH a tract of land being part of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land located in Tract A Midway Industrial District and Kearney Airfield in Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Cherry Avenue, East of Kearney East Expressway, North of Highway 30 and South of 39th Street Including a Portion North of 39th Street and a Portion East of Cherry Avenue), be placed on second reading. Council Member Clouse seconded the motion to place on second reading. 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, Lear. Nay: None. Motion carried. City Clerk read Ordinance No. 8255 on second reading.

ORDINANCE NO. 8255

An Ordinance Of The City Of Kearney, Nebraska, To Extend The Boundaries And Include Within The Corporate Limits Of, And To Annex To The City Of Kearney, Nebraska A Tract Of Land Being Part Of Government Lot 4 In Section 28, Township 9 North, Range 15 West Of The 6th P.M., Buffalo County, Nebraska, Entirely Discussed And Described In The Metes And Bounds Legal Provided In Ordinance No. 8255; To Provide Service Benefits Thereto; To Confirm Zoning Classifications; To Repeal All Ordinances And Resolutions Or Parts Thereof In Conflict Herewith; And To Provide For Publication In Pamphlet Form By Authority Of The City Council And Effective Date Of This Ordinance.

VII. REPORTS

Council Member Nikkila applauded the development occurring at 1616 West 39th Street which allows the property to not become vacant once the church relocates.

CLOSED SESSION

Moved by Lammers seconded by Lear that Council adjourn into closed session at 5:45 p.m. for the protection of the public interest to discuss possible litigation. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

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

Moved by Buschkoetter seconded by Lear that Council reconvene in regular session at 6:25 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Buschkoetter that Council adjourn at 6:25 P.M. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**