APAHOE, NEBRASKA February 20, 2024

The Public Hearing for the 1 & 6 Year Street plan opened at 7:30 pm and Closed at 7:35 pm.The City Council of the City of Arapahoe, Nebraska, met in regular session at the EMCC Council Room at 7:35 P.M. on February 20, 2024, pursuant to notice posted in the city office and published in the Valley Voce. Councilmen present: Middagh, Kreutzer, Carpenter, Polston, and Paulsen. Absent: tenBensel. City Staff present: Greg Schievelbein City Superintendent.

Mayor Koller presided over the meeting. Visitors present for all or a portion of the meeting were: Angela Mitchel with the valley voice via Zoom. The location of the posted Open Meetings Act was stated. Mayor Koller welcomed all visitors and gave each the opportunity to state their name and the agenda item they wish to speak on.

Public Comments:

**Consent Agenda:**

Motion by Councilman Kreutzer and second by Councilman Paulsen for approval of the following consent agenda:

Minutes: Copy of the Minutes from the February 6, 2024 regular meeting were included in the Council packets.

SDL – Clubhouse for May 25th at EMCC & Old Cellar Vineyard for 3-29-24 at Local Roots

Claims: Claims and Payroll for the period February 7, 2024 thru February 20, 2024

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| --- | --- | --- |
|  | Library |  |
| 101693 | ATC Communications - library phones | 216.97 |
| 101709 | Eakes - copier agreement | 71.77 |
| 101710 | Ingram Library - books | 836.70 |
| 101711 | Jennifer Einspahr - mileage reimb | 56.28 |
| 101712 | Wagner's - supplies | 88.90 |
|  |  | 1,270.62 |
|  | **EXPENSES 2-7 to 2-20 -2024** |  |
|  | Payroll February 13, 2024 | $10,948.00 |
| 101708-9 | EFTPS - Federal withholdings | $3,021.76 |
| 101692 | Postmaster - postage | $34.92 |
| 101694 | BCBS - employee insurance | $16,438.70 |
| 101695-29 | CAMAS Publishing - notices | $157.58 |
| 101696 | L Dettman - ambulance pay | 125.00 |
| 101697 | E Hoefs - ambulance pay | $25.00 |
| 101698 | S Hoefs ambulance pay | 125.00 |
| 101699 | W Hoefs ambulance pay | 175.00 |
| 101700 | M Houser ambulance pay | 50.00 |
| 101701 | LARM - work comp - ins | 367.37 |
| 101702 | A Leising - ambulance pay | 25.00 |
| 101703 | P Leising ambulance pay | 25.00 |
| 101704 | Municipal Chemical Supply - degreaser | 1,320.00 |
| 101705 | Municipal Supply - meter | 382.40 |
| 101706 | J Paulsen ambulance pay | 25.00 |
| 101707 | B Yeager - ambulance pay | 25.00 |
| 101713 | American Red Cross - swim lessons | 200.00 |
| 101714 | Postmaster - nuisance postage | 8.73 |
| 101715 | American Ag Lab - water testing | 27.56 |
| 101716 | Bryce Bishop - grave o/c | 650.00 |
| 101717 | Furnas County Treasurer - liquor license | 350.00 |
| 101718 | Carmen Gutierrez - cleaning svc | 220.50 |
| 101719 | NE Liquor Control Commission - clubhouse license | 146.75 |
| 101720 | NPPD - January O&M | 1,411.41 |
| 101721 | Rembolt Ludtke - bond legal fees | 1,320.00 |
| 101722 | J Stevens - meal reimburse training | 8.34 |
| 101723-31 | Stryker Sales - supplies | 2,821.74 |
| 101724 | American Legal Publishing - annual online ordinances | 495.00 |
| 101725 | Landmark - water pump | 268.08 |
| 101726 | PLIC - insurance | 1,364.72 |
| 101727 | Quick Med Claims - monthly fee | 960.87 |
| 101728 | Sharita Burton - mileage reimbursement | 94.98 |
| 101732 | Menards - pot hole patch | 778.71 |
| 101733 | Debit - meal for North Platte Trip | 11.90 |
|  | **TOTAL EXPENSES** | **$44,410.02** |

Roll call vote on the consent agenda motion was as follows:

Ayes: Carpenter, Middagh, Kreutzer, Paulsen

Nays: None

Abstain: Paulsen #101706 for $25

Absent and Not Voting: tenBensel

The Mayor declared the motion carried.

C**ITY REPORTS:**

Economic Development **–** gave report

City Superintendent: Gave Report.

City Treasurer: absent

**COMMITTEE REPORTS**:

**BUSINESS**

**Unfinished Business:**

**New Business:**

Motion by Councilman Kreutzer and second by Councilman Paulsen to approve the Mayor’s appointments as follows: Terry Polston to the City Council and each of the committees that Todd Monie was on.

Roll call to vote on the above motion was as follows:

Ayes: Paulsen, Carpenter, Middagh, Kreutzer.

Nays: None

Absent: tenBensel

Abstain:

The Mayor declared motion passed.

Administer Oath of Office to Terry Polston

Motion by Councilman Middagh and second by Councilman Carpenter to removing Terry Polston from Board of Adjustments

Roll call to vote on the above motion was as follows:

Ayes: Paulsen, Carpenter, Middagh, Kreutzer

Nays: None

Absent: tenBensel

Abstain: Polston

The Mayor declared motion passed.

Motion by Councilman Middagh and second by Councilman Kreutzer to add Reg Warner and Ryan Hanzlick to the Planning Commission

Roll call to vote on the above motion was as follows:

Ayes: Kreutzer, Paulsen, Carpenter, Polston, Middagh

Nays: None

Absent: tenBensel

Abstain:

The Mayor declared motion passed.

Motion by Councilman Carpenter and second by Councilman Polston to approve Resolution 2024-04 the 1 & 6 year Street plan

**RESOLUTION NO. 2024-02**

Whereas, In accordance with the statutes of the State of Nebraska and as prescribed by the Board of Public Roads Classifications and Standards, Notice of Hearing has been given publication in the legal newspaper of Arapahoe, Nebraska, and by posting in three public places within the City, of a Hearing on the One and Six Year Plans of Street Improvements of Arapahoe, to be held in the EMCC Council Room on the 20th day of February, 2024, at 7:30 p.m. for the purpose of hearing comments and objections to said plans.

Whereas, upon said Hearing, the City Council finds that the plans submitted are adequate for the purpose prescribed by law and that the same should be approved.

Now therefore, be it resolved by the Mayor and City Council of Arapahoe, Nebraska that the One and Six Year Plan for specific improvements during the current year are hereby approved and adopted.

Mayor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Clerk

Roll Call to Vote Resolution 2024-02 The 1 & 6 Year Street plan was as follows:

Ayes: Middagh, Kreutzer, Paulsen, Carpenter, Polston

Nays: None

Absent: tenBensel

The Mayor declared motion passed.

**ELECTED OFFICIAL COMMENTS.** Advertise lots that the City and CRA own for sale.

There being no further business, the meeting adjourned by unanimous consent 8:02 p.m.

I, the undersigned, City Clerk, of the City of Arapahoe, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Council on February 20, 2024 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

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Dixie Sickels, Assistant City Clerk

ARAPAHOE, NEBRASKA February 20, 2024

The Community Redevelopment Authority of the City of Arapahoe, Nebraska, met in regular session at the EMCC Council Room at 8:02 p.m. on February 20, 2024, pursuant to notice posted in the city office and published in the Valley Voice. CRA Members present: Middagh, Kreutzer, Carpenter, and Polston,. Absent: tenBensel.

CRA Chairman Middagh presided over the meeting. Visitors present for all or a portion of the meeting were: Angela Mitchel with the valley voice via Zoom. The location of the posted Open Meetings Act was stated.

**COMMUNITY REDEVELOPMENT AUTHORITY**

**OF THE CITY OF ARAPAHOE, NEBRASKA**

**RESOLUTION NO. 2024-05**

(Acquisition of Property from City)

**A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF ARAPAHOE, NEBRASKA, APPROVING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM THE CITY OF ARAPAHOE.**

**Recitals**

1. The Community Redevelopment Authority of the City of Arapahoe, Nebraska (the “CRA”) desires to acquire certain real property owned by the City of Arapahoe (the “City”) and legally defined as:

Lots 9 & 10, Block 78, Original Town, Arapahoe, Furnas County, Nebraska (the “Property”).

1. Pursuant to the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2157 (the “Act”), the City has adopted a Redevelopment Plan for a certain redevelopment area identified as Redevelopment Area #2 (the “Redevelopment Area”) in the City of Arapahoe, as amended (the “Redevelopment Plan”).
2. The Property is located within the Redevelopment Area.
3. The CRA has the authority and power to acquire and own real property located in the Redevelopment Area pursuant to Sections 18-2101.01, 18-2107(4), and 18-2108 of the Act.
4. The CRA desires to acquire the Property to facilitate a redevelopment project on the Property in accordance with the Act and the Redevelopment Plan.

NOW THEREFORE, be it resolved by the CRA:

1. The CRA is hereby authorized to acquire the Property from the City pursuant to the terms set by the City at such time that the City and CRA determine proper.
2. The CRA authorizes the Chairperson of the CRA to execute and enter into any agreements on the CRA’s behalf that are necessary to effectuate the acquisition of the Property.
3. The CRA hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

Dated this 20th day of February, 2024.

COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF

ARAPAHOE, NEBRASKA

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chris Middagh, Chairman

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donna Tannahill, Clerk

Motion by CRA Member Carpenter and seconded by CRA Member Polston to move for the passage of Resolution 2024-05 accepting Lot 9 & 10, Block 78, Original Town from the City of Arapahoe.

Roll Call to Vote was as follows:

Ayes: Middagh, Polston, Kreutzer, Carpenter

Nays: None

Absent: tenBensel

The Mayor declared motion passed.

**COMMUNITY REDEVELOPMENT AUTHORITY**

**OF THE CITY OF ARAPAHOE, NEBRASKA**

**RESOLUTION NO. 2024-06**

(Sale of Property to Rox’s Garden Delight, LLC)

**A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF ARAPAHOE, NEBRASKA, APPROVING THE SALE OF CERTAIN REAL PROPERTY.**

**Recitals**

1. The Community Redevelopment Authority of the City of Arapahoe, Nebraska (the “CRA”) owns or will own certain real property legally defined as:

Lots 9 & 10, Block 78, Original Town, Arapahoe, Furnas County, Nebraska (the “Property”).

1. Pursuant to the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2157 (the “Act”), the City has adopted a Redevelopment Plan for a certain redevelopment area identified as Redevelopment Area #2 (the “Redevelopment Area”) in the City of Arapahoe, as amended (the “Redevelopment Plan”).
2. The Property is located within the Redevelopment Area.
3. The CRA desires to sell the Property to Rox’s Garden Delight, LLC, a Nebraska Based Business (“Buyer”), for purposes of constructing a greenhouse on the Property and operating a garden center on the Property (the “Project”).
4. The Project is consistent with the Redevelopment Plan.
5. Pursuant to Section 18-2118 of the Act, the CRA may sell real property in the Redevelopment Area at its fair value for uses in accordance with the Redevelopment Plan. In determining fair value of real property for uses in accordance with the Redevelopment Plan, the CRA shall take into account into account and give consideration to: (1) the uses and purposes required by the Redevelopment Plan; (2) the restrictions upon, and the covenants, conditions, and obligations assumed by the redeveloper; (3) the objectives of the Redevelopment Plan for the prevention of the recurrence of substandard and blighted areas; and (4) such other matters as the CRA shall specify as being appropriate.
6. The CRA has prepared a Real Estate Purchase Agreement for the Project, a copy of which is attached hereto as Exhibit “A” (the “Purchase Agreement”) and incorporated by this reference.
7. The CRA has determined that the Property will be sold to Buyer for fair value based upon the purchase price set forth in the Purchase Agreement, the construction requirements set forth in the Purchase Agreement, Buyer’s use of the Property for commercial purposes, and the elimination of blight and substandard conditions on the Property.

NOW THEREFORE, be it resolved by the CRA:

1. The CRA hereby approves the sale of the Property to Buyer and the form of the Purchase Agreement.
2. The CRA authorizes the Chairperson of the CRA to execute and enter into the Purchase Agreement on the CRA’s behalf and to take any further actions necessary to effectuate the sale of the Property to Buyer.
3. The CRA hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

Dated this 20th day of February, 2024.

COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF

ARAPAHOE, NEBRASKA

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chris Middagh, Chairperson

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donna Tannahill, Clerk

Motion by CRA Member Carpenter and seconded by CRA Member Middagh to move for the passage of Resolution 2024-06 sale of Lot 9 & 10, Block 78, Original Town to Rox’s Garden Delight, LLC.

Roll Call to Vote was as follows:

Ayes: Carpenter, Middagh, Polston, Kreutzer

Nays: None

Absent: tenBensel

The Mayor declared motion passed.

There being no further business, the meeting adjourned by unanimous consent 8:05 .m.

I, the undersigned, City Clerk, of the City of Arapahoe, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Council on February 20, 2024 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

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Donna Tannahill, City Clerk