

CITY OF GRETNA, NEBRASKA
City Council
March 19, 2013

The Regular Meeting of the Mayor and City Council was held on March 19, 2013. Mayor Jim Timmerman announced that the open meetings laws are posted in the back of the council chambers. Mayor Timmerman called the meeting to order. The Pledge of Allegiance was spoken. Present were Council Members Jeff Wollenburg, Doug Clark, and Jason Stahr. Council Member Gregg Dahlheim was absent. Attorney Jeff Miller, City Administrator Jeff Kooistra, City Engineer Steve Perry, and Deputy Fire Chief Brad Sloup were also in attendance. Absent were Zoning Administrator Kris Faris, City Clerk Tammy Tisdall, and Gretna Fir Chief Rod Buethe. Notice of the meeting was given in advance thereof to the Mayor and City Council, published in the Gretna Breeze and posted in at least three Public places as shown by the Certificate of Posting Notice attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the Public.

Motion by Stahr, second by Clark to approve the agenda. Voting aye: Stahr, Wollenburg, and Clark. Voting nay: None. Absent: Dahlheim. Motion carried.

RECOMMENDED ACTIONS

Approval of Consent Agenda:

- 1) Approval of City Council Minutes, February 19, 2013
- 2) Approval of Water/Wastewater Report, February, 2013
- 3) Approval of Library Board Minutes, February 25, 2013

Motion by Stahr, second by Wollenburg to approve the consent agenda. Voting aye: Clark, Stahr, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

PRESENTATIONS

Auditor Gene Garrelts representing HSMC Orizon reported to the Mayor and City Council the results of the 2012 City of Gretna Audit. He reported that the City is in good financial health and the financial status improved in 2012. Mr. Garrelts suggested that the balance in the general fund should be built up over time. Mr. Garrelts reported on 2 material issues which were more operational. Mr. Garrelts stated that after meeting with the city staff, those items will be rectified during FY 2013.

NEBRASKA CROSSINGS REDEVELOPMENT AGREEMENT

Resolution 3-13 (4) - Approval of Nebraska Crossings Redevelopment Application According to the Nebraska Advantage Transformational Tourism and Redevelopment Act.
City Attorney read Resolution 3-13 (4) in title only:

CITY OF GRETNA, NEBRASKA
RESOLUTION NO. 3-13 (4)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GRETNA, NEBRASKA, APPROVING AND CERTIFYING THE
APPLICATION PURSUANT TO THE NEBRASKA ADVANTAGE

TRANSFORMATIONAL TOURISM AND REDEVELOPMENT ACT
FOR THE USE OF INCENTIVES IN ACCORDANCE WITH SAID
ACT IN CONJUNCTION WITH THE NEBRASKA CROSSING
REDEVELOPMENT PROJECT.

WHEREAS, the electors of the City of Gretna, Nebraska, a municipal corporation, approved a ballot question at a special election held on February 15, 2011, directing that the proceeds of the local option sales tax collected within an area defined by the City to require redevelopment may be used for the benefit of such an area as authorized by the Nebraska Advantage Transformational Tourism and Redevelopment Act, Neb. Rev. Stat. §§ 77-1004 to 77-1027, as amended (the "Act"); and

WHEREAS, an application, including a feasibility study, in accordance with the Act and on a form developed by the Nebraska League of Municipalities has been filed by Nebraska Crossing, LLC, a Nebraska limited liability company, as the applicant, requesting an agreement for a redevelopment project known as the Nebraska Crossing Redevelopment Project, which would include and utilize the incentives set forth in the Act; and

WHEREAS, the City has conducted an internal review of the application and feasibility study included in the application and has further conducted its own study thereof via an independent third party so as to verify or nullify the results of the feasibility study provided by the applicant; and

WHEREAS, it is now appropriate for the City Council of the City to consider approval and certification of said application.

NOW, THEREFORE, be it resolved by the City Council of the City of Gretna, Nebraska:

1. The application is a completed application and in compliance with the Act. The year 2013 shall be the year of application under the Act.
2. The plan in the application defines an approved project, redevelopment project and project consistent with the purposes of the Act and the approved project is certified by the City.
3. The project will result in investment in qualified property of at least ten million dollars and will create a net employment increase to the State.
4. The required levels of employment and investment for the project will be met prior to the end of the fourth year after the year in which the application was submitted.
5. The project is not feasible but for the incentives provided under the Act and the project shall be open at least one hundred fifty days each calendar year.
6. The project has conditional financing prior to completion and final approval of the conditional financing before final approval of the application by the City.
7. The applicant and the plan will qualify for incentives under the Act.

8. The City's independent third party study of the feasibility study included in the application, verifies the results of said feasibility study. The City conducted its own study with an independent third party. The City's own study verifies the results of the feasibility study provided by the applicant. Additionally, the City's own study examined the ability of the applicant to meet the requirements of the Act and recommends that the City proceed with the project.
9. By a majority vote of the members of the City Council of the City, the City hereby approves and certifies the application.
10. The City and the applicant shall hereafter enter into a written agreement with terms and conditions acceptable to the City, providing for the applicant's completion of the project, the City's designation of the approved plan as a project, and allowance by the applicant to use the incentives contained in the Act, and further providing and including all other requirements dictated by the Act.

PASSED AND APPROVED this 19th day of March, 2013.

Ken Kris, who is a consultant for the City of Gretna, reported on his findings on the LB 1018 application which is required by 77-1031 of the State Code. His research showed that the project met the State requirements and in almost all cases exceeded the requirements.

The City Attorney, Jeff Miller reviewed the processes that would be taking place during this evening's meeting and the requirements per State Code.

Kent Seacrest, the city's consultant on the redevelopment agreement, gave an overview of the processes that took place to get to the actions on this evening's agenda. He also presented a short review of the agreement.

Motion by Clark, second by Stahr to approve and adopt Resolution 3-13 (4). Voting aye: Clark, Stahr, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

Resolution 3-13 (5) – Approval of Nebraska Crossing Redevelopment Agreement
City Attorney Jeff Miller read Resolution 3-13 (5) in title only:

CITY OF GRETNA, NEBRASKA

RESOLUTION NO. 3-13 (5)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRETNA, NEBRASKA, APPROVING A REDEVELOPMENT AGREEMENT FOR THE NEBRASKA CROSSING REDEVELOPMENT PLAN AND PROJECT AND MAKING FINDINGS WITH REGARD TO SUCH AGREEMENT AND APPROVING OTHER ACTION THEREON.

WHEREAS, the City of Gretna, Nebraska, a municipal corporation, has determined it to be desirable to undertake and carry out urban development 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, Nebraska Revised Statutes §§ 18-2101 to 18-2144, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects, including the requirement of a redevelopment agreement with the redeveloper; and

WHEREAS, the City has previously declared an area of the City located within the northeast corner of Interstate 80 and Highway 31 (the "Redevelopment Project Area") to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the City has approved pursuant to the Act a Redevelopment Plan for the Redevelopment Project Area, which is known as the Nebraska Crossing Redevelopment Project, and Nebraska Crossing, LLC, a Nebraska limited liability company (the "Redeveloper") has proposed to implement the Nebraska Crossing Redevelopment Project; and

WHEREAS, the Redeveloper has filed and the City has approved an application pursuant to the Nebraska Advantage Transformational Tourism And Redevelopment Act, Nebraska Revised Statutes §§ 77-1001 to 77-1035, as amended ("LB 1018") for a Redevelopment Agreement for the Nebraska Crossing Redevelopment Project which would, among other things, include and utilize the incentives set forth in LB 1018; and

WHEREAS, pursuant to the Act and LB 1018 and other applicable laws it is required that the City and the Redeveloper enter into a Redevelopment Agreement in order to implement the Redevelopment Plan for the Nebraska Crossing Redevelopment Project.

NOW, THEREFORE, be it resolved by the City Council of the City of Gretna, Nebraska:

1. The Redevelopment Plan for the Nebraska Crossing Redevelopment Project has been determined to be feasible and in conformity with the general plan for the development of the City as a whole and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act.
2. The City Council has found that the project described in the Redevelopment Plan would not be economically feasible without the use of tax-increment financing, that the project would not occur in the Redevelopment Project Area without the use of tax-increment financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council and have been found to be in the long term best interests of the community impacted by the project.
3. The Redevelopment Plan includes the designation of an enhanced employment area and with regard to such the City Council has specifically determined that new investment within such enhanced employment area will result in at least twenty new employees and new investment of at least \$1,500,000.00 within such enhanced employment area.
4. The planned implementation for the Nebraska Crossing Redevelopment Project includes, but is not limited to, the private improvements and the public improvements as described in the Redevelopment Agreement.

5. A Redevelopment Agreement prepared pursuant to the Act and LB 1018 and other applicable laws is required in order to implement the Redevelopment Plan. The Act and LB 1018 authorize the City to enter into the Redevelopment Agreement with the Redeveloper containing covenants and conditions regarding the use of such property as the City may deem necessary to prevent the recurrence of substandard and blighted areas.
6. The Redeveloper is willing to enter into the Redevelopment Agreement and through an anticipated minimum investment to redevelop the Redevelopment Project Area by constructing the private improvements and public enhancements as provided in the Redevelopment Agreement. The minimum investment represents approximately \$13 million of equity and \$95 million of debt.
7. In order to help remove blight and substandard conditions in this economically underutilized Redevelopment Project Area and the enhanced employment area, the City is willing to enter into the Redevelopment Agreement and to implement the public improvements and to make grants to the Redeveloper to be used to carry out the public enhancements. The City and Redeveloper agree that such assistance is deemed essential to the success of the Nebraska Crossing Redevelopment Project.
8. The City is willing to support the redevelopment of the Redevelopment Project Area and enhanced employment area in accordance with the Nebraska Crossing Redevelopment Project; provided that, the Redeveloper is willing to restrict the use of the property to contain approved uses; and further provided that, the Redeveloper is willing to agree to (i) covenants and conditions regarding compulsory maintenance and upkeep of the private improvements to prevent a recurrence of substandard and blighted conditions; and (ii) restrict the use of the grants provided in the Redevelopment Agreement for the sole purpose of design, construction and implementation of the public enhancements on behalf of the City or as provided by appropriate statute and in the manner provided in the Redevelopment Agreement.
9. The Act and LB 1018 authorize the City to implement public improvements and to provide grants to the Redeveloper for public enhancements in order to accomplish rehabilitation or redevelopment of the Redevelopment Project Area in accordance with the Redevelopment Plan and Redevelopment Agreement. In order to implement the public improvements and make the grants to the Redeveloper for public enhancements, the City intends, in accordance with and as provided in the Redevelopment Agreement, to issue (i) TIF Bonds to be repaid with the TIF tax revenues generated under the Act; (ii) issue LB 562 Bonds to be repaid with the LB 562 tax revenues; (iii) issue City Bonds to be repaid with City tax revenues; and (iv) the City's 1018 Pledge of the collected refund of the local option sales tax from the enhanced employment area.
10. The City and Redeveloper desire to enter into the Redevelopment Agreement to implement the Nebraska Crossing Redevelopment Project for the above purposes and in accordance with the Redevelopment Plan.

11. The redevelopment of the Redevelopment Project Area and enhanced employment area is in the vital and best interests of the City and is in furtherance of the health, safety, and welfare of its residents, and is in accordance with the public purposes and provisions of applicable laws and requirements under which the Redevelopment Plan and the Redevelopment Agreement have been undertaken.
12. The Redevelopment Agreement with the Redeveloper for the Nebraska Crossing Redevelopment Project is hereby approved.

PASSED AND APPROVED this 19th day of March, 2013.

Motion by Stahr, second by Wollenburg to approve and adopt Resolution 3-13 (5). Voting aye: Clark, Stahr, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

Ordinance 1024 – First Reading – Authorizing the Issuance of Tax Allocation Bond, Note or Other Obligation for TIF and LB 562 Occupation Tax for the Nebraska Crossing Redevelopment Project

City Attorney Jeff Miller read Ordinance 1024 in title only:

The City of Gretna, Nebraska
Ordinance no. 1024

An ordinance authorizing and providing for the issuance by the City of Gretna, Nebraska of (a) a tax allocation bond, note or other obligation in an aggregate principal amount not to exceed \$12,765,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's Nebraska Crossing Redevelopment Project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof and (b) an occupation tax revenue bond, note or other obligation in an aggregate principal amount to not exceed \$26,240,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's Nebraska Crossing Redevelopment Project area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of such bonds, notes or other obligations; pledging certain property tax revenue and other revenue to the payment of the principal of and interest on the tax allocation bond, note or other obligation as the same become due; pledging certain occupation tax revenues to the payment of the principal of and interest on the occupation tax revenue bond, note or other obligation as the same become due; limiting payment of such bond, note or other obligation to the revenues specified herein; creating and establishing funds and accounts; delegating, authorizing and directing the administrator to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of such bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters.

Motion by Stahr, second by Clark to introduce Ordinance 1024 and waive the three readings. Voting aye: Clark, Stahr, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

Motion by Wollenburg, second by Clark to approve and adopt Ordinance 1024. Voting aye: Clark, Wollenburg and Stahr. Voting nay: None. Dahlheim: None. Motion carried.

Ordinance 1025 – First Reading – Providing the Levy of a Retail Business Occupation Tax for the Nebraska Crossing Redevelopment Project
City Attorney Jeff Miller read Ordinance 1025

CITY OF GRETNA, NEBRASKA
ORDINANCE NO. 1025

An ordinance providing for the levy of a retail business occupation tax; establishing definitions; providing for the administration, collections, returns, delinquencies and recovery of unpaid amounts related to such occupation tax; specifying how such tax revenue will be used; providing a sunset provision for the tax; and related matters

Motion by Clark, second by Wollenburg to introduce Ordinance 1025 and waive the three readings. Voting aye: Clark, Stahr, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

Motion by Wollenburg, second by Stahr to approve and adopt Ordinance 1025. Voting aye: Clark, Wollenburg and Stahr. Voting nay: None. Dahlheim: None. Motion carried.

Approval of Indemnification Agreements with Redeveloper for NE Crossing Redevelopment Project and City Improvements

Motion by Stahr, second by Clark to approve and adopt the Nebraska Crossing Indemnification Agreements. Voting aye: Clark, Stahr, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

CURRENT BUSINESS

Right Of Way Agreement for Fiber Optic Cables for Unite Private Network.

Motion by Wollenburg, second by Clark to approve the Right of Way Agreement for Fiber Optic Cables for Unite Private Network. The City Council asked and were assured that the agreement included restoration of the right of way for any work completed by the company. Voting aye: Clark, Stahr, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

Yellow Ribbon Run Agreement.

Motion by Stahr, second by Wollenburg, to approve an Agreement between the City of Gretna, Nebraska and Rollin Plains Motorcycle Club of Omaha, Inc. to conduct an event known as the "Yellow Ribbon Run". Voting aye: Stahr, Clark, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

Resolution 3-13 (3) Designating the Yellow Ribbon Run as a Special Event.

Motion by Clark, second by Stahr to approve Resolution 3-13 (3) Designating the Yellow Ribbon Run as a Special Event. Voting aye: Clark, Stahr, and Wollenburg. Voting nay: None. Absent: Dahlheim. Motion carried.

Approval of Issuance of Permit to sell fireworks for retail for July 2013 selling season to the following non-profit organizations:

Gretna Baseball Foundation	215 West Hwy 370
Gretna Soccer Club	20024 Glenmore Dr
Gretna Friends of the Library	11821 S 216 St
Gretna Optimist Club	11821 S 216 St
Gretna Lions Club	NE Corner of Hwy 6 and 370
Gretna Days Foundation	SE corner of Gruenther Rd. and Apache Dr

Motion by Clark, second by Wollenburg to approve the issuance of permits to sell fireworks for retail for the July 2013 selling season to the following non-profit organizations:

Gretna Baseball Foundation	215 West Hwy 370
Gretna Soccer Club	20024 Glenmore Dr
Gretna Friends of the Library	11821 S 216 St
Gretna Optimist Club	11821 S 216 St
Gretna Lions Club	NE Corner of Hwy 6 and 370
Gretna Days Foundation	SE corner of Gruenther Rd. and Apache Dr

The Deputy Fire Chief confirmed that all organizations met the firework sales requirements. Voting aye: Clark, Wollenburg, and Stahr. Voting nay: None. Absent: Dahlheim. Motion carried.

Utility Relocations – Phase I Storm Sewer and Water Main at NE Crossing Outlet.

The City received a request from Pat Thomas Construction Inc. for Change Order number one requesting a Contract Time Extension. Motion by Wollenburg, second by Clark to approve Change Order number one. The City Engineer explained that this change order was needed because the redeveloper's contractor at the Nebraska Crossing site was behind schedule and affected our contractors work schedule. Voting aye: Wollenburg, Clark, and Stahr. Voting nay: None. Absent: Dahlheim. Motion carried.

DEPARTMENT REPORTS

Jeff Kooistra mentioned Sean Murphy's email update on the HWY 370 project. Council Members Doug Clark and Jason Stahr wanted to thank everyone for their hard work on the Redevelopment Project.

CLAIMS

GENERAL

Gr Pay	sa	12228.00
Gr Pay	tx	4240.82
Advanced Office	ex	73.62
Aksarben Heat	ex	167.00
Baker & Taylor	ex	755.34
Koile B	ex	135.34
Black Hills	ex	1884.87

Center Pt	ex	23.07
CJK	ex	161.05
Peterson C	ex	860.00
Core Tech	ex	828.00
Cox	ex	381.63
Danko	ex	542.00
Demko	ex	75.44
Davidson Titles	ex	151.77
Farmers Union	ex	591.80
Front Range	ex	291.71
Gretna Gas	ex	87.82
ING	ex	3336.68
Hintz Auto	ex	197.04
Ideal Lighting	ex	206.51
JAS Consult	ex	2100.00
Kooistra J	ex	26.47
Keepers J	ex	95.05
Krajicek J	ex	375.00
K&K House	ex	63.65
King Little	ex	1400.00
Mark Klinker	ex	25.00
McKinneys	ex	46.67
Micromktg	ex	90.97
Mdwst Tape	ex	85.96
Ne Cem Assoc	ex	20.00
NE Dept of Hlth	ex	40.00
NE Lib Comm	ex	20.00
OCLC	ex	68.54
Off Depot	ex	163.06
OPPD	ex	2097.90
OWH	ex	450.44
Quill	ex	337.38
Sar Co Comm	ex	8659.00
Sar Co Treas	ex	30335.28
Scholastic	ex	141.48
Sol One	ex	275.00
Speedee	ex	145.99
The Lib Store	ex	398.87
Unt Elec	ex	138.23
Unt Health	ex	94.12
Upstart	ex	50.50
Visa	ex	1260.13
Weathercraft	ex	13795.67
Wex Bank	ex	60.26
Young & White	ex	2135.85
BCBS	ex	2913.12
		Total 94977.33
STREET		
Gr pay	sa	4134.33
Gr pay	tx	1499.92
Black Hills	ex	372.08

City Clerk Petty	ex	12.50
Whitted D	ex	12.50
Gr Gas	ex	1147.23
ING	ex	100.00
Gr Sml Eng	ex	3.98
McKinneys	ex	3.06
Mid Con	ex	104.71
OPPD	ex	8545.37
OWH	ex	18.00
Speedee	ex	992.55
Unt Health	ex	16.00
Weathercraft	ex	12795.67
Wessels	ex	533.32
Winter Equip	ex	905.79
BCBS	ex	1354.08
		Total 32551.09
WATER		
Gr pay	sa	6077.97
Gr pay	tx	2147.22
AT&T	ex	71.44
Best Western	ex	776.80
Black Hills	ex	536.06
Century Link	ex	493.08
Cummins	ex	353.85
Whitted D	ex	41.00
Gr Auto	ex	184.99
Gr Gas	ex	553.99
ING	ex	2032.75
HSMC Orizon	ex	9989.00
Faris K	ex	177.70
Hatcliff M	ex	144.44
McKinneys	ex	78.22
Mdwst Lab	ex	107.77
Mikes Auto	ex	47.89
NE Dept Health	ex	600.00
NE Pub Health	ex	98.00
Kersten Cons	ex	2524.80
Nat waterworks	ex	12762.48
NE Pub Health	ex	394.00
OPPD	ex	7502.89
One Call	ex	24.60
Quill	ex	144.57
Speedee	ex	183.22
Sherry S	ex	60.00
Unt Hlth	ex	39.06
Visa	ex	1250.00
Weathercraft	ex	12795.66
Young & White	ex	3785.94
BCBS	ex	1781.04
		Total 52079.15

KENO	ex	600.00
	Total	600.00

Motion by Clark, second by Stahr to approve the claims for the month of March. Voting aye: Stahr, Clark, and Wollenburg. Voting nay: none. Absent: Dahlheim. Motion carried.

EXECUTIVE SESSION – Did not go into Executive Session

ADJOURNMENT

Motion by Clark, second by Wollenburg to adjourn at 8:02 p.m. Voting aye: Wollenburg, Stahr, and Clark. Voting nay: None. Absent: Dahlheim. Motion carried.

The next regular meeting will be April 2, 2013 at 7:00 p.m.

Minutes respectfully submitted by City Administrator Jeff Kooistra.

CITY OF GRETNA, NEBRASKA

James W. Timmerman, Mayor

ATTEST:

Jeffrey Kooistra
City Administrator
MIN03192013