

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

March 28, 2023

5:30 p.m.

I. ROUTINE BUSINESS

1. Invocation/Moment of Silence.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication/Recognition of visitors.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. **POSTPONED FROM MARCH 14, 2023.** Conduct a public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC, for the Final Plat and Subdivision Agreement for Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the Sixth P.M., Buffalo County, Nebraska (64th Street, lying east of Avenue N) and consider Resolution No. 2023-42.
2. **POSTPONED FROM MARCH 14, 2023.** Conduct a public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC for the annexation of Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the Sixth P.M., Buffalo County, Nebraska (64th Street, lying east of Avenue N) and consider Resolution No. 2023-43.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held March 14, 2023.
2. Approve the Claims.
3. Approve the application submitted by Terrance Wilhelms for Werner Construction, Inc. and

Kappas Enterprises to extend Conditional Use Permit No. 2018-02 to operate a sand and gravel pumping operation and temporary batch plant located east of the Kearney Expressway and north of Interstate 80 for a period of two (2) years.

4. Approve Resolution No. 2023-40A repealing and rescinding Resolution No. 2023-40 releasing a Permanent Right-of-Way and Utility Easement granted by Fox Creek Development, LLC, a Nebraska Limited Liability Company for a tract of land being part of the South Half of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.
5. Approve Resolution No. 2023-41A repealing and rescinding Resolution No. 2023-41 releasing a Storm Water Detention Cell Easement granted by Fox Creek Development, LLC, a Nebraska Limited Liability Company for a tract of land being part of the South Half of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.
6. Approve the purchase of a Caterpillar 938M Series Wheel Loader in the amount of \$284,080.00 submitted by Caterpillar, Inc. through the Sourcewell Cooperative Purchasing Contract for the Public Works Department.
7. Approve the Plans and Specifications for 2023 Part 2 Improvements, Mill & Asphalt Overlay and set the Bid opening date for April 18, 2023 at 2:00 p.m.
8. Adopt Resolution No. 20213-50 approving Application and Certificate for Payment No. 7 in the amount of \$1,373,903.03 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.
9. Adopt Resolution No. 2023-51 approving Change Order No. 2 showing a decrease in the amount of \$501.00, Application and Certificate for Payment No. 4 in the amount of \$43,952.40, Application and Certificate for Payment No. 5-Final in the amount of \$25,232.50, and accept the Certificate of Substantial Completion submitted by Duncan Theis Construction and approved by Miller & Associates for the Harmon Park Bathhouse Renovation.
10. Adopt Resolution No. 2023-52 approving Application and Certificate for Payment No. 10 in the amount of \$319,167.36 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.
11. Adopt Resolution No. 2023-53 (2022-32-133) approving Change Order No. 1 showing an increase in the amount of \$18,331.98 submitted by RMV Construction LLC and approved by Alfred Benesch and Company for AIP/CARES Act Project No. 3-31-0045-036 in connection with the Terminal Building Expansion project at the Kearney Regional Airport.

* *Any item listed on the Consent Agenda may, by the request of any single Council member, be considered as a separate item under the Regular Agenda Section of the Agenda.*

V. CONSENT AGENDA ORDINANCES *

VI. REGULAR AGENDA

1. Consider Resolution No. 2023-54 approving the redevelopment project submitted by Burmood Investments, LLC for Redevelopment Area #12 for an area described as Lot 5, Block 1 Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, together with the 30-foot wide vacated alley in Block 1 as shown and dedicated on Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, from the East right-of-way line of Piper Avenue, abutting Lot 5, Block 1, of said Patriot Industrial Park on the North (4415 Patriot Boulevard).
2. Open Account Claim to NPPD - \$105,967.09.

VII. REPORTS

VIII. ADJOURN

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The Mayor and City Council reserve the right to adjourn into executive session as per Section 84-1410 of the Nebraska Revised Statutes. A current agenda is on file at the Office of the City Clerk at City Hall, 18 East 22nd Street, Kearney, Nebraska. For more information, call 233-3216 or visit our website at www.cityofkearney.org