

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

April 25, 2023

5:30 p.m.

I. ROUTINE BUSINESS

1. Invocation/Moment of Silence.
2. Presentation of Colors by the Kearney Police Department Honor Guard and Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication/Recognition of visitors.
 - a) Oath of Office to Derrick Hosick and Micah Schroeder.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. **TABLED MARCH 14, 2023; POSTPONED MARCH 28, 2023 AND APRIL 11, 2023. WITHDRAWN BY APPLICANT.** Conduct a public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC, for the Final Plat and Subdivision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. **TABLED MARCH 14, 2023; POSTPONED MARCH 28, 2023 AND APRIL 11, 2023. WITHDRAWN BY APPLICANT.** Conduct a public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC for the annexation of Arbor View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 April 11, 2023.

2. Approve the Claims.
3. Receive recommendations of Planning Commission and set May 9, 2023, at 5:30 p.m. as the date and time for hearings on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-125600 liquor license application and manager application for Angela Mortensen submitted by Cellar Crew, LLC dba Cellar Sports Bar and Grill located at 3901 2nd Avenue, Suite C.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Mark Treadway submitted by World Theatre Foundation dba World Theatre located at 2318 Central Avenue in connection with their Class I-100700 liquor license.
6. Adopt Resolution No. 2023-57 approving the Grant Agreement between the City of Kearney and the Federal Aviation Administration in connection with AIP/CARES Act Project No. 3-31-0045-035-2023 for the Box Hangar project at the Kearney Regional Airport.
7. Adopt Resolution No. 2023-58 approving the request by Kearney Gaming, LLC to provide a keno-type lottery operation at The Cellar Sports Bar and Grill located at 3901 2nd Avenue.
8. Adopt Resolution No. 2023-59 approving Application and Certificate for Payment No. 8 in the amount of \$2,366,066.67 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. 2023-60 approving Application and Certificate for Payment No. 1-Final in the amount of \$164,253.40 and the Certificate of Substantial Completion submitted by The Diamond Engineering Company and approved by Miller & Associates for the Cemetery Paving – Phase 2 Project.
10. Approve the Plans and Specifications for 2023 Part 1 Improvements, Younes Drive Water/Sewer/Paving, and set the Bid opening date for May 16, 2023, at 2:00 p.m.
11. Accept the bids received for 2023 Part 2 Improvements Mill and Asphalt Overlay and adopt Resolution No. 2023-61 awarding the bid to Gary Smith Construction Company, Inc., in the amount of \$457,235.00.
12. Adopt Resolution No. 2023-62 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.
13. Approve the Lease Agreement between the City of Kearney and the Department of Administrative Services, State Building Division on behalf of the Nebraska Department of Transportation, Division of Aeronautics, State of Nebraska, to lease Hangar T-190 located at 5065 Airport Road and adopt Resolution No. 2023-63.

- 14. Adopt Resolution No. 2023-64 approving Application and Certificate for Payment No. 8 in the amount of \$0.00 approved by Miller & Associates, finalizing any obligations to Blessing, LLC and the Agreement to Assign Contract from Blessing, LLC, a Nebraska Limited Liability Company to Nielsen Contracting, LLC, a Nebraska Limited Liability Company for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B, Paving and Storm Sewer).
- 15. Adopt Resolution No. 2023-65 approving Application and Certificate for Payment No. 1-Final in the amount of \$60,800.00 submitted by Prairie View Roofing, LLC involving work associated with the Kearney Public Library Roof Replacement.
- 16. Adopt Resolution No. 2023-66 appointing Chelsie Bebensee to fulfill the term vacated by Kevin Hervert on the Downtown Improvement Board.

* *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 *

- 1. Amend Ordinance No. 8589 and adopt Ordinance No. 8589A correcting the legal description for rezoning from District M-1, Limited Industrial District to District BP, Business Park District for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter, part of the Southeast Quarter of the Northwest Quarter and Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; all of Lots 1 through 5, inclusive, Lots 10 through 14, inclusive, Block 1, and Lot 1, Block 2, located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; parts of Cherry Avenue, Avenue B (aka Piper Avenue), Patriot Boulevard, and part of the vacated alley, all located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (East of Cherry Avenue, West of Airport Road, North of 45th Street, and approximately 1,200 feet South of East 56th Street).
- 2. Approve Ordinance No. 8627 repealing Ordinance No. 8625 and amend the Salary Ordinance reflecting pay plan adjustments.

VI. REGULAR AGENDA

- 1. Presentation by Two Rivers Health Department.
- 2. Open Account Claim to NPPD - \$105,975.09.

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