

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

August 22, 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.
 - a) Oath of Office to Kearney Police Department Officers Grant Buschkoetter and Michael Reeves.
 - b) Request to address City Council regarding Memorial Field by Matt Mundorf.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. Conduct a public hearing on the application submitted by Miller & Associates for Museum of Nebraska Art, Inc., Attn: Nichole Herden to vacate and release the 280.45-foot by 20-foot Utility easement for property described as the alley from the West line of Avenue "A" westerly to the East line of Central Avenue (now vacated) as the same abuts Lots 12, 13, 14, 15, 16 and 17 on the north and Lots 68, 69, 70, 71 and 72 on the south in Southwest Quarter School Section Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Vacated alley lying north, the north side of the existing MONA building, 2401 Central Avenue) and consider Ordinance No. 8644.
2. Conduct a public hearing on the proposed purchase of property from Economic Development Council of Buffalo County, Inc described as a tract of land described Tech One First Subdivision, a subdivision being part of the north half of the Northwest Quarter of Section 29, Township 9 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2023-122.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held August 8, 2023.
2. Approve the Claims.

3. Receive recommendations of Planning Commission and set September 12, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2023-123 approving the final allocation of levy authority in the amount of \$241,390.00 for the Community Redevelopment Authority of the City of Kearney for Fiscal Year 2023-2024 and the final allocation of levy authority in the amount of \$58,697.00 for Offstreet Parking District No. 1 for Fiscal Year 2023-2024.
5. Adopt Resolution No. 2023-124 accepting the Certificate of Substantial Completion pertaining to the grounds, irrigation and seeding, submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-125893 liquor license application and manager application for Trevor Reeder submitted by Drake Room Entertainment, LLC dba Whistlin' Wolf located at 10 and 12 East 21st Street.
7. Approve the recommendations from the Development Services Department on the annual renewal of the manufactured home court license for Valley View Mobile Home Court, 2701 and 2801 Grand Avenue, until May 31, 2023 and extending the current manufactured home court licenses for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue an additional 14 days to correct deficiencies.
8. Adopt Resolution No. 2023-125 approving Application and Certificate for Payment No. 5 in the amount of \$27,503.87 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.
9. Adopt Resolution No. 2023-126 approving Certificate for Payment No. 12 in the amount of \$1,235,436.18 and Change Order No. 2 showing an increase in the amount of \$21,141.00 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

* *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. **POSTPONED SINCE AUGUST 8, 2023. REMOVE FROM TABLE.** Approve Ordinance No. 8643 repealing Ordinance No. 8627 and amend the Salary Ordinance reflecting pay plan adjustments.

VI. REGULAR AGENDA

1. Second Reading of Ordinance No. 8637 pertaining to the application submitted by Miller & Associates for Five Stones Investment Group, LLC to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District UC, Mixed Use Urban Corridor District for property described as Lot 246 and Lot 247, Southwest Quarter School Section Addition and part of Lot 6, Perkins and Harfords Strip Addition to the City of Kearney, Buffalo

County, Nebraska (116 and 118 West 27th Street; 2615 2nd Avenue).

2. Second Reading of Ordinance No. 8638 pertaining to the application submitted by Buffalo Surveying Corporation for WWS Land, LLC c/o Bill Shapley to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Imperial Avenue and North of 45th Street).
3. Second Reading of Ordinance No. 8639 pertaining to the application submitted by Buffalo Surveying Corporation for Blessing Premier Property, LLC, c/o Curtis Baetz for a Conditional Use Permit to operate a Resource Extraction site on property zoned District AG, Agricultural District, and described as a tract of land being part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 7310 2nd Avenue).
4. Second Reading of Ordinances for the applications submitted by Danny Starostka for Starostka Group Unlimited to (1) rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land located in part of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for Ordinance No. 8640; (2) to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for Ordinance No. 8641; and (3) to rezone from District AG, Agricultural District to District R-3, Urban Residential Multi-Family District (Medium Density) for property described as a tract of land located in part of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska (2050 East 39th Street) for Ordinance No. 8642.
5. Amend Resolution No. 2018-135 and adopt Resolution No. 2018-135A amending the legal description and map of the Enhanced Employment Area relating to a General Business Occupation Tax Agreement for a Redevelopment Project undertaken by Kearney Investment Corporation.
6. Amend Ordinance No. 8277 and adopt Ordinance No. 8277A amending the legal description and map of the Enhanced Employment Area relating to the levy of a General Business Occupation Tax for a Redevelopment Project undertaken by Kearney Investment Corporation.
7. Consider Resolution No. 2023-127 approving the General Business Occupation Tax (GBOT) Agreement submitted by Younes Landing, LLC, a Nebraska Limited Liability Company for Redevelopment Areas #8 for an area described as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6, Block 2, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Lot 4, and Lot 5, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Block 1, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Block 2, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Gealey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Part of Government Lots 3, 6, 7, and 9, and accretions thereto,

all in Section Eleven (11), and part of the Northeast Quarter (NE1/4) of Section Fourteen (14), all in Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

8. Consider Ordinance No. 8645 providing for the levy of a General Business Occupation Tax (GBOT); providing for the administration, imposition and collection of such GBOT and specifying the use of GBOT revenue for an area described as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6, Block 2, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Lot 4, and Lot 5, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Block 1, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Block 2, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Gealey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Part of Government Lots 3, 6, 7, and 9, and accretions thereto, all in Section Eleven (11), and part of the Northeast Quarter (NE1/4) of Section Fourteen (14), all in Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.
9. Review the One- & Six-Year Street Improvement Plan and set the Public Hearing date for September 12, 2023 to adopt the One- and Six-Year Street Improvement Plan.
10. Open Account Claim to NPPD - \$47,407.58 postponed from the August 8, 2023 Council meeting, and Open Account Claim to NPPD - \$114,115.66 (total \$161,523.24).

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
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mayor@kearneygov.org

Vice-President Randy Buschkoetter
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Council Member Bruce Lear
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Council Member Tami James
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Council Member Jonathan Nikkila
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City Manager Michael Morgan
18 East 22nd Street
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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