

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

January 9, 2024

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) Recognition Ceremony for Promotion of Police Sergeant Alex Peyton.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. Conduct a public hearing on the application submitted by Werner Construction, Inc., Applicant for Kappas Enterprises, Owner to amend Conditional Use Permit No. 2018-02 for a sand and gravel pumping operation and temporary batch plant on property zoned District AG, Agricultural District and described as Government Lots 1, 2, 3, 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (335 Cherry Avenue) and consider Ordinance No. 8242A.
2. Conduct a public hearing on the application submitted by Oak Creek Engineering, Applicant for Kenneth Richter, Owner to rezone from District AG, Agricultural District to District C-3, General Commercial District for property described as a tract of land located in the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 78th Street and West of 2nd Avenue) and consider Ordinance No. 8659.
3. Conduct a public hearing on the application submitted by Oak Creek Engineering, Applicant for Kenneth Richter, Owner for the Final Plat and Subdivision Agreement for Elken Second Subdivision (formerly known as Tucker Subdivision), a subdivision being part of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 78th Street and West of 2nd Avenue) and consider Resolution No. 2024-1.

4. Proposed creation of a new Chapter and amendments to the following chapters/sections of the City Code as follows:
- Section 14-102 “Establishment of Districts” of Chapter 14 “Zoning District Regulations”, to add R-1D, Residential District;
 - Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Agricultural and Residential Types” to add R-1D to the list of “Use Types” and corresponding permitted use;
 - Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Civic Use Types” to add R-1D to the list of “Use Types” and corresponding permitted use;
 - Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Office Use Types” to add R-1D to the list of “Use Types”;
 - Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Commercial Use Types” to add R-1D to the list of “Use Types” and corresponding permitted use;
 - Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Parking and Transportation Use Types” to add R-1D to the list of “Use Types”;
 - Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Industrial and Miscellaneous Types” to add R-1D to the list of “Use Types” and corresponding permitted use;
 - Create a new Chapter; Chapter 17 “District RR-2, Rural Residential District (Intermediate Standards)”;
 - Chapter 18 “District RR-2, Rural Residential District (Intermediate Standards)” to amend Chapter title to “District R-1, Urban Residential Single-Family District (Low Density)”; to amend 19-101 - “Purpose” to 18-101 “Purpose” and 19-102 “Site Development Regulations” to 18-102 - “Site Development Regulations”; and
 - Chapter 19 “District R-1, Urban Residential Single-Family District (Low Density)” to amend Chapter title to “R-1D, Residential District”; to amend Sections 19-101 - “Purpose” and 19-102 “Site Development Regulations” to add R-1D Residential District purpose and regulations.
- and consider Ordinance No. 8660.

IV. CONSENT AGENDA *

1. Approve Minutes of the Regular Meetings held December 12, 2023 and December 19, 2023.
2. Approve the Claims.
3. Adopt Resolution No. 2024-2 approving the Developer Constructed Infrastructure Agreement for Lot 1, Block 1 Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation, Owner, for the construction of public improvement, sanitary sewer main to serve Lot 1, Block 1 Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.
4. Adopt Resolution No. 2024-3 approving Change Order No. 2 showing a decrease in the amount of \$12,666.80, Application and Certificate for Payment No. 4-Final in the amount of \$93,924.00 and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2022 Part 1 Improvements; 48th Street.

5. Adopt Resolution No. 2024-4 approving the Invoice for Payment No. 2-Final in the amount of 39,120.89 to Skyco Glass LLC for the FBO Window Replacement Project.
6. Adopt Resolution No. 2024-5 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with William Diessner, President of B & G Investments, LLC, a Nebraska Limited Liability Company, for William Estates (now platted as William Grace Estates), an addition to the City of Kearney, Buffalo County, Nebraska.
7. Adopt Resolution No. 2024-6 approving Change Order No. 16 showing an increase in the amount of \$5,932.00, Change Order No. 17 showing an increase in the amount of \$5,890.00, Change Order No. 18 showing an increase in the amount of \$18,032.00 and Change Order No. 19 showing an increase in the amount of \$1,375.00 and Application and Certificate for Payment No. 14 in the amount of \$388,397.95 and Application and Certificate for Payment No. 15 in the amount of \$346,740.00 submitted by RMV Construction, LLC and approved by Wilkins ADP for Yanney Park Pavilion.
8. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Tami James Moore to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Tami James Moore and Chuck Ogle to serve on the Joint Airport Zoning Board.
9. Adopt Resolution No. 2024-7 appointing City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2024, with regard to requirements and duties with the Nebraska Department of Transportation as he has served in this capacity since November 6, 2015 and for the purpose of the 2024 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2025.
10. Accept the Bids received for the 2024 Parks Concrete Projects and award Bid A - Harmon Park submitted by Tri-City Concrete in the amount of \$19,000.00; Bid B - West Lincoln Way Park and Bid C - Harvey Baseball Fields submitted by Dan Roeder Concrete for a total amount of both Bids, \$14,795.00; and Bid D - Hike/Bike Trail and Bid E - Cemetery Road Replacement submitted by S & J Construction for a total amount of both Bids, \$33,275.00.
11. Authorize the Mayor to execute the Consent to Assignment of Ordinance No. 7726 between the City of Kearney and Northwestern Energy and approve Resolution No. 2024-8.

* *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. None.

VI. REGULAR AGENDA

1. Presentation from Denver Air Connect.
2. Open Account Claim to NPPD - \$88,062.15.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
4907 Linden Drive Place
627-6730 cell
238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
1110 13th Avenue
234-5553 home
440-0358 cell
citycouncil@kearneygov.org

Council Member Bruce Lear
4803 Avenue L Place
234-5354 home
308-389-8770 office
citycouncil@kearneygov.org

Council Member Tami James
Moore
704 10th Avenue
440-6992 cell
citycouncil@kearneygov.org

Council Member Jonathan Nikkila
4 Regency Place
224-4309 cell
citycouncil@kearneygov.org

City Manager Michael Morgan
18 East 22nd Street
233-3214 office
mmorgan@kearneygov.org

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