

# **KEARNEY CITY COUNCIL**

## **AGENDA**

**City Council Chambers, 18 East 22nd Street**

**April 9, 2024**

**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) Presentation of Youth Week Proclamation to Kearney Elks Lodge #984.
  - b) Presentation of Small Business Week Proclamation to Kearney Area Chamber of Commerce.
  - c) Presentation of National Public Safety Telecommunicators Week to Buffalo County Sheriff's Office 911 Center.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the application submitted by Miller & Associates for Sorensen Acres, LLC, a Nebraska Limited Liability Company, to rezone from District AG, Agricultural District to District C-2, Community Commercial District for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of the intersection of 2nd Avenue and 56th Street) and consider Ordinance No. 8662.
2. Conduct a public hearing on the application submitted by Miller & Associates for Sorensen Acres, LLC, a Nebraska Limited Liability Company, for the Final Plat and Subdivision Agreement for Oak Park Center Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of the intersection of 2nd Avenue and 56th Street) and consider Resolution No. 2024-35.
3. Conduct a public hearing on the request submitted by Miller & Associates for Sorensen Acres, LLC, a Nebraska Limited Liability Company, for the annexation of Oak Park Center Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for property described

as a tract of land being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of the intersection of 2nd Avenue and 56th Street) and consider Resolution No. 2024-36.

4. **REQUEST TO POSTPONE TO APRIL 23, 2024.** Conduct a public hearing on the Application submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) 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 6th P.M., Buffalo County, Nebraska (Approximately 600 feet South of the intersection of East 65th Street and Avenue R) and consider Ordinance No. 8663.
5. **REQUEST TO POSTPONE TO APRIL 23, 2024.** Conduct a public hearing on the Application submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, to rezone from District AG, Agricultural District to District R-1D, Residential District 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 6th P.M., Buffalo County, Nebraska (approximately 700 feet South of the intersection of East 65th Street and Avenue R) and consider Ordinance No. 8664.
6. **REQUEST TO POSTPONE TO APRIL 23, 2024.** Conduct a public hearing on the Application submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, for the Final Plat and Subdivision Agreement for Arbor View Fourth, 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 the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R) and consider Resolution No. 2024-37.
7. **REQUEST TO POSTPONE TO APRIL 23, 2024.** Conduct a public hearing on the Application submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, to 1) execute a Release of Easement on a tract of land being part of the South Half of the Northwest Quarter, Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2024-38; and 2) execute a Release of Easement located in part of the South Half of the Northwest Quarter, Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2024-39.
8. **REQUEST TO POSTPONE TO APRIL 23, 2024.** Conduct a public hearing on the Request submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, for the annexation of Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R) and consider Resolution No. 2024-40.
9. Conduct a public hearing on the Application submitted by Jestin Clinch, Clinch Storage, LLC for Clinch Storage, LLC (current owner CRST, LLC, Dawn M Chavanu, Manager (MA)) to

rezone from District AG, Agricultural District and District C-2, Community Commercial District to District C-3, General Commercial District for property described as a tract of land being part of Government Lot 7 and accretions located in the Northeast Quarter of Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; now annexed to the City of Kearney (East of 625 East 1st Street, a vacant parcel) and consider Ordinance No. 8665.

10. Conduct a public hearing on the Application submitted by Jestin Clinch, Clinch Storage, LLC for Clinch Storage, LLC (current owner CRST, LLC, Dawn M Chavanu, Manager (MA)) for a Conditional Use Permit for Warehousing (Enclosed), and described as a tract of land being part of Government Lot 7 and accretions located in the Northeast Quarter of Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; now annexed to the City of Kearney (East of 625 East 1st Street, a vacant parcel) and consider Ordinance No. 8666.
11. Conduct a public hearing on the Proposed amendments to Section 47-105 "Accessory Buildings" of Chapter 47 "Supplemental Development Regulations" of the City Code to include: (1) removal and addition of language for supplemental development regulations throughout the Section, for clarification purposes; (2) revising subsection titles; and (3) modifying development regulations all for better understanding and to provide guidance for the development of accessory buildings and consider Ordinance No. 8667.

#### **IV. CONSENT AGENDA \***

1. Approve Minutes of Regular Meeting held March 26, 2024.
2. Approve the Claims.
3. Accept the bids received for the Cottonmill Park Paving Improvements and adopt Resolution No. 2024-41, awarding the bid to JIL Asphalt Paving Company in the amount of \$453,108.25.
4. Adopt Resolution No. 2024-42 approving the in-house work for the construction of lead-service line replacement by City personnel in connection with the Lead Service Line Replacement Project.
5. Adopt Resolution No. 2024-43 approving the Application and Certificate for Payment No. 16-Final in the amount of \$30,000.00 to RMV Construction, LLC and the Letter of Final Completion submitted by Wilkins ADP and all approved by Wilkins ADP for Yanney Heritage Park Pavilion and Parking Lot.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Tammy Watson submitted by Fraternal Order of Eagles 2722, located at 17 West 24th Street, in connection with their Class C-11097 liquor license.
7. Adopt Resolution No. 2024-44 confirming Joseph Cipov to fulfill the term vacated by Michaela Lewis (County Representative) on the Advisory Board of Park & Recreation Commissioners.

- 8. Adopt Resolution No. 2024-45 accepting the Proposal received from BerganKDV for Professional Auditing Services for the City of Kearney and the City of Kearney Community Redevelopment Authority for the year ending September 30, 2024.
- 9. Approve the Program Guidelines and Checklist for the City of Kearney in connection with the Nebraska Affordable Housing Trust Fund (NAHTF) New Construction Rental Program for the Younes Workforce Housing Project.
- 10. Approve the Deed of Trust with Power of Sale between Talmadge JAM, LLC, a Nebraska Limited Liability Company, and the City of Kearney for property described as a tract of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, in connection with NAFCT Contract No. 23-TFRH-34008.
- 11. Approve the Promissory Note between the City of Kearney and Talmadge JAM, LLC, a Nebraska limited Liability Company, in connection with NAFCT Contract No. 23-TFRH-34008.
- 12. Adopt Resolution No. 2024-46 approving the Restrictive Covenant for property described as a tract of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, pursuant to provisions regarding the reuse of Nebraska Affordable Housing Trust Funds between the State of Nebraska Department of Economic Development and the City of Kearney, Nebraska, a municipal corporation in connection with NAFCT Contract No. 23-TFRH-34008.

\* *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. Open Account Claim to NPPD: \$14,935.93

**VII. REPORTS**

**VIII. ADJOURN**

Mayor Stanley Clouse  
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[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
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 234-5553 home  
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Council Member Bruce Lear  
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Council Member Jonathan Nikkila  
 4 Regency Place  
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Interim City Manager Brenda Jensen  
 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](http://www.cityofkearney.org)