

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

April 23, 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) Oath of Office to Kearney Police Officer Jaco Henning.
 - b) Presentation of National Police Week 2024 Proclamation to the Kearney Police Department.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. Conduct a public hearing on the proposed acquisition for a Public Permanent Road and Utility Easement granted by Rodney K. Wiederspan and Patricia M. Jones, both Co-Managers of Sorensen Acres, LLC, a Nebraska Limited Liability Company for 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 and consider Resolution No. 2024-47.
2. 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 PM, Buffalo County, Nebraska (Approximately 600 feet South of the intersection of East 65th Street and Avenue R) and consider Ordinance No. 8663.
3. 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 PM, Buffalo County,

Nebraska (Approximately 700 feet South of the intersection of East 65th Street and Avenue R) and consider Ordinance No. 8664.

4. 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 PM, Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R) and consider Resolution No. 2024-37.
5. 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 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 PM, Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R) and consider Resolution No. 2024-40.
6. Conduct a public hearing on the application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, to rezone from District RR-1, Rural Residential District (Rural Standards) to District C-2, Community Commercial District for property described as Lot 1, Gealy's Addition, a subdivision to the City of Kearney, Buffalo County, Nebraska. (North of Talmadge Street and East of 10th Avenue) and consider Ordinance No. 8668.
7. Conduct a public hearing on the application submitted by Miller & Associates for Talmadge JAM, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from General Commercial (COM) and Low-Density Residential (LDR) to General Commercial (COM) for property described as a tract of land being part of Government Lot 7, part of Government Lot 9 and accretions thereto all located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street, between 10th Avenue and 15th Avenue) and consider Resolution No. 2024-48.
8. Conduct a public hearing on the application submitted by Miller & Associates for Talmadge JAM, LLC, to 1) rezone from District AG, Agricultural District to District C-2, Community Commercial District for property described as a tract of land being part of Government Lot 7, part of Government Lot 9 and accretions thereto located in all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street, between 10th Avenue and 15th Avenue) and consider Ordinance No. 8669; and 2) vacate Lot 1, Gealy's Addition, a subdivision to the City of Kearney, Buffalo County, Nebraska (North of Talmadge Street, and east of 10th Avenue) and consider Ordinance No. 8670.
9. Conduct a public hearing on the application submitted by Miller & Associates for Talmadge JAM, LLC and Peanut Butter & Jelly, LLC, for the Final Plat for Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 6 and accretions thereto, part of Government Lot 7 and accretions thereto, part of Government Lot 9 and accretions thereto, and Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6 and

accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (now vacated), all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 15th Avenue between Talmadge Street and North Channel of Platte River) and consider Resolution No. 2024-49.

10. Conduct a public hearing on the request submitted by Miller & Associates for Talmadge JAM, LLC and Peanut Butter & Jelly, LLC, for the annexation of Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 6 and accretions thereto, part of Government Lot 7 and accretions thereto, part of Government Lot 9 and accretions thereto, and Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (now vacated), all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 15th Avenue between Talmadge Street and North Channel of Platte River) and consider Resolution No. 2024-50.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held April 9, 2024.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set May 14, 2024 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to execute the Release of a 60.00-foot Permanent Right-of-Way & Utility Easement granted by Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company and recorded at the Buffalo County Register of Deeds office on October 17, 2022 at 2022-05962 pertaining to 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, dedicated for Storm Water Detention Cell Easement purposes and approve Resolution No. 2024-38.
5. Authorize the Mayor to execute the Release of a Storm Water Detention Cell Easement granted by Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company and recorded at the Buffalo County Register of Deeds office on October 17, 2022 at Document 2022-05962 pertaining to 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, dedicated for Storm Water Detention Cell Easement purposes and approve Resolution No. 2024-39.
6. Adopt Resolution No. 2024-51 approving Amendment No. 3 to the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program/CARES Act in connection with the Box Hangar project at the Kearney Regional Airport (AIP 3-31-0045-035) by adding additional construction phase services for assisting with the additional observation to take place during the 2024 construction based on 1) items not originally covered in Amendment Nos. 1 and 2; 2) Amendment Nos. 1 and 2 observation days being expended season for items not originally covered in Amendment No. 1; and 3) the projected construction work duration shown on the contractor's latest construction

schedule dated March 13, 2024 shows an end date of April 12, 2024, which corresponds to 42 additional days of observation/administration per Benesch's current contract that was approved through Amendment No. 2, and noting that liquidated damages continue to currently be assessed to the contractor for exceeding contract calendar day allowances associated with Amendment No. 3; contingent upon Federal Aviation Administration (FAA) concurrence.

7. Adopt Resolution No. 2024-52 approving Change Order No. 1 showing a increase in the amount of \$4,829.75, submitted by Sampson Construction Co., Inc. and approved by Alfred Benesch and Company for the construction of a Box Hangar located at the Kearney Regional Airport (AIP Project No: 3-31-0045-039 (BIL)).
8. Approve the Household Hazardous Waste Disposal Contract between the City of Kearney and Tradebe.
9. Adopt Resolution No. 2024-53 approving Change Order No. 5 showing a decrease in the amount of \$24,776.76 and an increase of six (6) calendar days to Phase 1, submitted by Sampson Construction Co., Inc. and approved by Alfred Benesch and Company for the construction of a Box Hangar located at the Kearney Regional Airport (AIP Project No: 3-31-0045-035 (CARES)).
10. Adopt Resolution No. 2024-54 approving the Application and Certificate for Payment No. 20 in the amount of \$366,438.57 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 *

VI. REGULAR AGENDA

1. Consider Resolution No. 2024-55 approving the redevelopment project submitted by 922 Enterprises - Kearney Storage, for Redevelopment Area No. 3 for an area described as part of Lot 579 and all of vacated Avenue L abutting said Lot, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (1112 East 20th Street).
2. Consider Resolution No. 2024-56 approving the redevelopment project submitted by Younes Development (Peanut Butter & Jelly, LLC), for Redevelopment Area No. 8 for an area described as Lot 6, Block 1, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1011 West 3rd Street).
3. Consider the Employment Agreement between the City of Kearney and Brenda Jensen and approve Resolution No. 2024-57.
4. Open Account Claim to NPPD - \$ 92,890.56.

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