

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**January 14, 2025**

**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.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the applications submitted by Miller & Associates (Applicant) for Kearney Area Habitat for Humanity, Inc; KDIVER, LLC; EXHUNTING, LLC; and City of Kearney (Owners) to (1) vacate the alley in Block 25, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 5 through 7 (inclusive), and abutting and lying on the East side of Lots 8 through 10 (inclusive) and consider Ordinance No. 8703; (2) vacate the alley in Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side Lots 1 through 6 (inclusive), and abutting and lying on the East side of Lots 7 through 13 (inclusive) and consider Ordinance No. 8704; (3) vacate the alley in Block 27, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 1 through 5 (inclusive), and abutting and lying on the East side of Lots 6 through 11 (inclusive) and consider Ordinance No. 8705; (4) vacate the alley in Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska abutting and lying on the West side of Lots 1 through 4 (inclusive); and abutting and lying on the East side of Lots 5 through 9 (inclusive) and consider Ordinance No. 8706; (5) vacate N Avenue abutting and lying on the East side of Lots 1 through 7 (inclusive), Block 25, and abutting and lying West of Lots 7 through 13 (inclusive), Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County,

Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8707; (6) vacate O Avenue abutting and lying on the East side of Lots 1 through 6 (inclusive), Block 26, and abutting and lying West of Lots 6 through 11 (inclusive), Block 27, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8708; (7) vacate P Avenue abutting and lying on the East side of Lots 1 through 5 (inclusive), Block 27, and abutting and lying West of Lots 5 through 9 (inclusive), Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8709; (8) vacate Lots 5, 6, and 7, Block 25, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8710; (9) vacate Lots 1 through 13 (inclusive), Block 26, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8711; (10) vacate Lots 1 through 11 (inclusive), Block 27, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8712; (11) vacate Lots 1 through 9 (inclusive), Block 28, Whiteaker's Grove Addition, to the City of Kearney, Buffalo County, Nebraska located in Government Lot 5 of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8713; and (12) amend the Land Use Map of the City of Kearney Comprehensive Development Plan from Light Industrial (LI) and Low Density Residential (LDR) to Low Density Residential (LDR) for property described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue, the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) and consider Resolution No. 2025-1.

2. Conduct a public hearing on the application submitted by Miller & Associates (Applicant) for Kearney Area Habitat for Humanity, Inc; KDIVER, LLC; EXHUNTING, LLC; and City of Kearney (Owners) to rezone from District R-1, Urban Residential Single-Family District (Low Density), to District R-1D, Residential District for property described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lots 1, 2 and 12, all of Lots 3 through 11 (inclusive), Block 26, along with the East half of "N" Avenue, and the West half of "O" Avenue, and the alley abutting said Lots in Block 26 (now vacated); part of Lots 1, 2, and 10, all of Lots 3 through 9 (inclusive), Block 27, along with the East half of "O" Avenue,

the West half of "P" Avenue and the alley abutting said Lots in Block 27 (now vacated); part of Lots 1, 2, and 8, all of Lots 3 through 7 (inclusive), Block 28, along with the East half of "P" Avenue and the alley abutting said Lots in Block 28 (now vacated) in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5; the North half of the Northeast Quarter of Government Lot 6 also referred to as Tax Lot 5, and the North half of the Northwest Quarter of said Government Lot 6 also referred to as Tax Lot 6, all in Section 6, Township 8 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) and consider Ordinance No. 8714.

3. Conduct a public hearing on the application submitted by Miller & Associates (Applicant) for Kearney Area Habitat for Humanity, Inc; KDIVER, LLC; EXHUNTING, LLC; and City of Kearney (Owners), for the Final Plat and Subdivision Agreement for Marlatt Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska being described as a tract of land being Lots 5, 6, and 7, Block 25, along with the East half of the alley and the West half of "N" Avenue abutting said Lots in Block 25 (now vacated); part of Lot 12 and all of Lots 7 through 11 (inclusive), Block 26, along with the East Half of "N" Avenue and part of the alley abutting said Lots in Block 26 (now vacated), part of the West half of "O" Avenue abutting Lots 5 and 6, Block 26 (now vacated); part of Lots 6 and 7, Block 27, along with part of the East half of "O" Avenue and part of the alley abutting said Lots in Block 27 (now vacated), all in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska being part of Government Lot 5 in Section 6, part of the North half of the Northeast Quarter of Government Lot 6 in Section 6 also referred to as Tax Lot 5, and part of the North half of the Northwest Quarter of said Government Lot 6 in Section 6 also referred to as Tax Lot 6, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of Avenue M, north of East 17th Street) and consider Resolution No. 2025-2.
4. Conduct a public hearing on the application submitted by Miller & Associates (Applicant) for City of Kearney (Owner) to rezone from District BP/PD, Business Park District/ Planned Development Overlay District to District BP, Business Park District for property described as a tract of land being part of the Northwest Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Northwest Quarter, and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street and west of Chase Avenue) and consider Ordinance No. 8715.
5. Conduct a public hearing on the Application submitted by Miller & Associates (Applicant) for City of Kearney (Owner), for the Final Plat and Subdivision Agreement for Tech One Fourth Subdivision, a subdivision being a tract of land being part of the Northwest Quarter of the Northeast Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Northwest Quarter, and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 56th Street and west of Chase Avenue) and consider Resolution No. 2025-3.
6. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: Sections: 12-106 "C", 12-107 "D", 12-118 "O", 12-119 "P", 12-123 "T" of Section 12-103 "Definition of Terms"; of Chapter 12, "Definitions" and consider Ordinance No. 8716.

7. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: Section 13-104 "Residential Use Types" and Section 13-105 "Civic Use Types" of Chapter 13 "Use Types" and consider Ordinance No. 8717.
8. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: various use type tables of Table 14-1 of Section 14-112 "Use Matrix: Levels of Permitted Uses" of Chapter 14, "Zoning District Regulations" and consider Ordinance No. 8718.
9. Conduct a public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: Sub-Section F "Scope of Approval" of Section 59-103 "Conditional Use Permit Procedure" of Chapter 59 "Administration and Procedures and consider Ordinance No. 8719.

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

1. Approve Minutes of Regular Meeting held December 17, 2024.
2. Approve the Claims.
3. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Kurt Schmidt and Tami James Moore to serve on the Buffalo County Economic Development Council, and the appointment of Tami James Moore, Alex Straatmann and Chuck Ogle to serve on the Joint Airport Zoning Board.
4. Approve the application submitted by Sean Vontz from Vontz Paving, Inc, to extend Conditional Use Permit No. 2019-04 to operate a resource extraction operation (sand & gravel) generally located south of East 11th Street and East of Imperial Avenue for a period of five years.
5. Approve the application submitted by Sean Vontz from Vontz Paving, Inc, to extend Conditional Use Permit No. 2019-05 to operate an asphalt batch plant generally located south of East 11th Street and East of Imperial Avenue for a period of two years.
6. Adopt Resolution No. 2025-4 approving the Annual Redevelopment Project Report as required by State Statute 18.2117.02.
7. Accept the bids received for the 2025 Part 1 Improvements; 30th Avenue Overpass Rehabilitation project and adopt Resolution No. 2025-5 awarding the bid to KEA Constructors in the amount of \$1,536,241.10.
8. Accept the bids received for the Kearney Public Library HVAC Replacement project and award the bid to Rutt's Heating & A/C Inc. in the amount of \$190,750.00.
9. Adopt Resolution No. 2025-6 appointing City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2025, 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 2025 calendar year Highway Incentive Payment, to be issued to the City of

Kearney by the Nebraska Department of Transportation, in February 2026.

\* ***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. Adopt Resolution No. 2025-7 approving the Developer Constructed Infrastructure Agreement for Village Plaza Second Addition - KCSH Apartments an addition to the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Kearney Community Sustainable Housing, LLC, a Nebraska Non-Profit Corporation, for the construction of public improvements, water main and sanitary sewer main to serve Lot 2, Block 1 Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

**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 308-233-3216 or visit our website at [www.cityofkearney.org](http://www.cityofkearney.org)