

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**May 22, 2018**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by John Watson.
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. POSTPONED SINCE MAY 8, 2018. Conduct a public hearing on the Applications submitted by Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC to (1) vacate a 10 foot wide utility easement; together with a 20 foot wide utility easement, both located in Lot 2, Block 2, Lake Villa Estates and consider Ordinance No. 8243; and (2) to rezone from District C-2, Community Commercial District to District C-2/PD, Community Commercial/Planned Development Overlay District property described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and consider Ordinance No. 8244.
2. POSTPONED SINCE MAY 8, 2018. Conduct a public hearing on the Application submitted by Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC for Planned District Development Plan Approval for the proposed construction of a business office building on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and consider Resolution No. 2018-57.
3. POSTPONED SINCE MAY 8, 2018. Conduct a public hearing on the Application submitted by Jordan Starostka for Todd Booth to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3/PD, General Commercial/Planned Development Overlay District property described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street) and consider Ordinance

No. 8245.

4. POSTPONED SINCE MAY 8, 2018. Conduct a public hearing on the Application submitted by Jordan Starostka for Todd Booth for Planned District Development Plan Approval for the proposed construction of a collision center on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street) and consider Resolution No. 2018-58.
5. POSTPONED SINCE MAY 8, 2018. Conduct a public hearing on the Application submitted by Jordan Starostka for Danny Starostka to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Ordinance No. 8246.
6. POSTPONED SINCE MAY 8, 2018. Conduct a public hearing on the Application submitted by Jordan Starostka for Danny Starostka for the Final Plat and Subdivision Agreement for Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-59.
7. POSTPONED SINCE MAY 8, 2018. Conduct a public hearing on the Application submitted by Jordan Starostka for Danny Starostka for the annexation of Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-60.
8. POSTPONED SINCE MAY 8, 2018. Conduct a public hearing on the Application submitted by Jordan Starostka for Danny Starostka for Planned District Development Plan Approval for construction of a subdivision on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-61.

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

1. Approve Minutes of Regular Meeting held May 8, 2018.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set June 12, 2018 at 5:30 p.m. as

date and time for hearing on those applications where applicable.

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Timothy Franco submitted by CMO, Inc. dba Knights of Columbus 1728 located at 1900 Central Avenue in connection with their Class I-027979 liquor license.
5. Adopt Resolution No. 2018-69 approving Application and Certificate for Payment No. 1 in the amount of \$116,797.50 submitted by GD Concrete Construction, Inc. and approved by Miller & Associates for the 2017 Part 4 Improvements for the construction of raised left turn lane medians located at 56th Street at the intersection of 17th Avenue, 2nd Avenue at the intersection of 54th Street and to maximize the left turn lane stacking capabilities on 2nd Avenue at the 48th and 52nd Street intersections.
6. Adopt Resolution No. 2018-70 approving the Annexation Agreement between the City of Kearney and L & S Industries, for Lots 21, 22, 23 and 24, Kearney Industrial Park, a subdivision being part of Government Lots 1 and 4 and part of the North Half of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4100 East 39th Street).
7. Adopt Resolution No. 2018-71 approving the Annexation Agreement between the City of Kearney and Dy-Na Tool & Mold, Inc., for Lot 11, Kearney Industrial Park, a subdivision being part of Government Lots 1 and 4 and part of the North Half of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4200 East 39th Street).
8. Accept the Proposals received for the Patriot Park playground structure and award the Proposal submitted by Creative Sites in the amount of \$82,758.00.
9. Adopt Resolution No. 2018-72 approving the Developer Constructed Infrastructure Agreement for Millennial Estates Second Addition between the City of Kearney and Jordan Starostka, Member of Starostka Group, Unlimited Inc., a Nebraska Corporation for the construction of paving, water, sanitary sewer and storm sewer for Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska.
10. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CK-122588 liquor license application and manager application for Yousef Ghamedi submitted by Cunningham's Lakeside Inc. dba Cunningham's Journal located at 610 Talmadge Street, Suite A.
11. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2019: Restrictions Permit Applications as follows:
  - a) Cornhusker Mobile Home Park, 1115 Avenue C;
  - b) Countryside Mobile Park, 1920 15th Avenue;
  - c) Merriweather Mobile Home Village, 914 West 17th Street;
  - d) Rodeo Court, 2414 West 24th Street;
  - e) R-Villa East, 2500, 2719, 2803 West 24th Street;
  - f) R-Villa West, 2500, 2719, 2803 West 24th Street;
  - g) R-Villa South, 2500, 2719, 2803 West 24th Street;

- h) Valley View Mobile Home Court, 2701 and 2801 Grand Avenue; and
  - i) Villa Park, 2703 West 24th Street.
12. Adopt Resolution No. 2018-73 approving Application and Certificate for Payment No. 9 in the amount of \$2,917.68 submitted by Blessing, LLC and approved by Miller & Associates for the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue.
  13. Adopt Resolution No. 2018-74 approving Application and Certificate for Payment No. 10 in the amount of \$359,283.50 submitted by Blessing, LLC and approved by Miller & Associates for the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue.
  14. Adopt Resolution No. 2018-75 approving Application and Certificate for Payment No. 3 in the amount of \$60,970.80 submitted by Blessing, LLC and approved by Miller & Associates for the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition.
  15. Adopt Resolution No. 2018-76 establishing a retirement health saving plan for City of Kearney Police Officers.
  16. Approve the application for a Special Designated License submitted by Hi-Brand Kearney LLC dba Old Chicago in connection with their IK-066969 liquor license to cater and dispense alcoholic liquors in an outdoor 115' x 60' fenced area located in the parking lot of Old Chicago, 115 South 2nd Avenue on Wednesday, June 13, 2018 from 4:00 p.m. until 11:00 p.m. for an Old Chicago Mini Tour Launch Party.
  17. Adopt Resolution No. 2018-77 approving the revised City of Kearney Personnel Manual.
  18. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications for the Nebraska Kidney Association for the Share A Spare Color Run 2018 and Kearney Kidney Walk to temporarily close the northbound lane of East 1st Street from Avenue M to The Archway Parking Lot (located west of the building) on June 9, 2018.
  19. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their YK-077615 liquor license to cater and dispense alcoholic liquors inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, June 30, 2018 from 8:30 a.m. until 4:30 p.m. for a craft fair.
  20. Accept the Proposals received for the removal and installation of concrete curb and ADA curb ramps on 29th Street between 2nd Avenue and 6th Avenue and award the Proposal submitted by Nielsen Contracting LLC in the amount of \$47,232.50.
  21. Accept the Proposals received for the removal of sidewalk and the installation of ADA curb ramps between Avenue A and Avenue E and between 31st Street and 39th Street and

award the Proposal submitted by S&J Construction in the amount of \$23,660.00.

\* ***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 MAY 8, 2018. Approve Ordinance No. 8247 repealing Ordinance No. 8205 and amend the Salary Ordinance reflecting the reclassification of an Evidence Technician and Permit Technician position and the addition position of Senior Plans Examiner.

**VI. REGULAR AGENDA**

- 1. POSTPONED SINCE MAY 8, 2018. Consider Resolution No. 2018-68 approving the redevelopment project submitted by KAAPA Ethanol Holdings, LLC for Redevelopment Area #9 for an area described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue).
- 2. Consider accepting the Kearney Ad Hoc Housing Committee Report.
- 3. Open Account Claim to NPPD - \$2,524.21.

**VII. REPORTS**

**VIII. ADJOURN**

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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)