

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

January 22, 2019

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 Captain Mike Young.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development 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 the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard) and consider Ordinance No. 8312.
2. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard) and consider Resolution No. 2019-4.
3. REMOVE FROM TABLE. Conduct a public hearing on the Application submitted by Miller & Associates for DT Development for the annexation of Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9

North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard) and consider Resolution No. 2019-5.

4. Conduct a public hearing on the proposed acquisition for a Permanent Right-of-Way granted by MJ Developments, L.L.C., a Nebraska Limited Liability Company for an area of land being the West 33.00 feet of the North 39.00 feet of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-13.
5. Conduct a public hearing on the proposed acquisition for a Permanent Right-of-Way granted by Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company for an area of land being part of Lot 1, Gealy's Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-14.
6. Conduct a public hearing on the proposed acquisition for a Permanent Right-of-Way granted by YB Investments, L.L.C., a Nebraska Limited Liability Company for an area of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-15.
7. Conduct a public hearing on the proposed acquisition for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement granted by Kelly Rapp & Laureen Stricker - Rapp for an area of land being part of Government Lot 2, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-16.
8. Conduct a public hearing on the proposed acquisition for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement granted by YB Investments, L.L.C., a Nebraska Limited Liability Company for an area of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-17.
9. Conduct a public hearing on the proposed acquisition for a Permanent Sanitary Sewer Easement granted by YB Investments, L.L.C., a Nebraska Limited Liability Company for an area of land being part of Government Lot 9 and accretions thereto all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-18.
10. Conduct a public hearing on the proposed acquisition for a Temporary Construction Easement granted by YB Investments, L.L.C., a Nebraska Limited Liability Company for an area of land being part of Government Lot 9 and accretions thereto all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-19.
11. Conduct a public hearing on the proposed acquisition for a Permanent Sanitary Sewer Easement granted by Paul Younes and Linda Younes for an area of land being part of Government Lot 9 and accretions thereto all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-20.
12. Conduct a public hearing on the proposed acquisition for a Temporary Construction

Easement granted by Paul Younes and Linda Younes for an area of land being part of Government Lot 9 and accretions thereto all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-21.

13. Conduct a public hearing on the proposed acquisition for a Permanent Water Line Easement and a Temporary Construction Easement granted by Kearney Investment Corporation, a Nebraska Corporation for an area of land being part of Lot 1, Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-22.
14. Conduct a public hearing on the proposed acquisition for a Permanent Water Line Easement and a Temporary Construction Easement granted by Paul Younes and Linda Younes, Husband and Wife for an area of land being part of Government Lot 9 and accretions, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-23.
15. Conduct a public hearing on the proposed acquisition for a Permanent Water Line Easement and a Temporary Construction Easement granted by YB Investments L.L.C., a Nebraska Limited Liability Company for an area of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2019-24.
16. Conduct a public hearing on the proposed acquisition for a Permanent Water Line Easement granted by MJ Developments, L.L.C., a Nebraska Limited Liability Company for an area of land being part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-25.
17. Conduct a public hearing on the proposed acquisition for a Permanent Water and Sanitary Sewer Easement granted by Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company for a tract of land being a part of Lot 4, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-26.
18. Conduct a public hearing on the proposed acquisition for a Permanent Water and Sanitary Sewer Easement granted by Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company for an area of land being part of Lot 5, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-27.
19. Conduct a public hearing on the proposed acquisition for a 10.00 Foot Wide Water Line Easement granted by TSK14 Phase II, LLC, a Nebraska Limited Liability Company for a tract of land being part of Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-28.
20. Conduct a public hearing on the proposed acquisition for a 10.00 Foot Wide Sanitary Sewer Easement granted by TSK14 Phase II, LLC, a Nebraska Limited Liability Company for a tract of land being part of Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-29.
21. Conduct a public hearing on the proposed acquisition for a Permanent Utility Easement

granted by the City of Kearney, a Municipal Corporation, Buffalo County, Nebraska for an area of land being the South 10.00 feet of the North 130.00 feet of Lot 5, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-30.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held January 8, 2019.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set February 12, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2019-31 approving the Developer Constructed Infrastructure Agreement for Spruce Hollow Estates Eighth Addition between the City of Kearney and Ben Hirschfeld, President of DT Development a Nebraska Corporation for the construction of paving, water main, sanitary sewer main and storm sewer for Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.
5. Adopt Resolution No. 2019-32 approving the Annual Redevelopment Project Report as required by State Statute 18-2117.02.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-122885 liquor license application and manager application for Daniel O'Neill submitted by KS PLUS Inc, dba KWIK STOP #11 located at 414 2nd Avenue South.
7. Adopt Resolution No. 2019-33 appointing the term vacancies on the Board of Adjustment and Planning Commission.
8. Adopt Resolution No. 2019-34 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Andrew Bennett, Shaun Mewes, Daniel Proskocil, Matthew Sich and Ty Vetter.
9. Adopt Resolution No. 2019-35 authorizing the Mayor to sign the Annual Certification for the Volunteer Emergency Responders Incentive Act and certify the names of volunteers listed as those who have qualified for the Volunteer Emergency Responders Incentive Act.
10. Approve the revised application for a Special Designated License submitted by Catholic High School of Kearney to dispense alcoholic liquor inside the Kearney Catholic Old Gymnasium located at 110 East 35th Street on Saturday, March 2, 2019 from 6:00 p.m. until 11:00 p.m. (alternate dates include February 22, 2019 and February 23, 2019) for a trivia night event.
11. Approve the Plans and Specifications for the 2018 Part 3 Improvements for Northridge

Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Ave and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527 and set the bid opening date for February 19, 2019 at 2:00 p.m.

12. Adopt Resolution No. 2019-36 approving Change Order No. 1 showing an increase in the amount of \$446.75, Application and Certificate for Payment No. 1-Final in the amount of \$233,861.75, and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990.
13. Approve the Plans and Specifications for the 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997 and set the bid opening date for February 19, 2019 at 2:00 p.m.
14. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to cater and dispense alcoholic liquor as follows:
 - a) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, February 8, 2019 from 3:00 p.m. to 12:00 a.m., Saturday, February 9, 2019 from 10:00 a.m. to 12:00 a.m. and Sunday, February 10, 2019 from 11:00 a.m. until 6:00 p.m. for a demo derby;
 - b) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on February 16, 18, 19, 20, 21, 22, 23, 2019 from 10:00 a.m. until 12:00 a.m. and February 17 and 24, 2019 from 11:00 a.m. to 12:00 a.m. for Cattlemen's Classic; and
 - c) Inside Schrock Medical Group located at 1616 West 39th Street, Suite A, on Tuesday, February 26, 2019 from 4:00 p.m. until 10:00 p.m. for a business event.

* ***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. Approve the Plans and Specifications for the Harvey Park Pickleball Court Project and set the bid opening date for February 19, 2019 at 2:00 p.m.
2. Adopt Resolution 2019-37 acknowledging and appreciating Assistant Utilities Director, Sarah Sawin on earning a Professional Civil Engineer license.
3. Adopt Resolution 2019-38 acknowledging and appreciating City Planner, Coelette Gruber on passing the American Institute of Certified Planners exam.
4. Open Account Claim to NPPD - \$82,678.45.

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