

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**May 28, 2019**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by Pastor Kent Sundberg.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors:
  - a) Proclamation for Alzheimer's and Brain Awareness Month;
  - b) Introduction of City of Kearney Employee Council; and
  - c) Presentation of Donation to Family Advocacy Network (FAN).

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. POSTPONED SINCE MAY 14, 2019. REQUEST TO FURTHER POSTPONE TO JUNE 11, 2019. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Ordinance No. 8341.
2. POSTPONED SINCE MAY 14, 2019. REQUEST TO FURTHER POSTPONE TO JUNE 11, 2019. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-76.
3. POSTPONED SINCE MAY 14, 2019. REQUEST TO FURTHER POSTPONE TO JUNE 11, 2019. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Third Addition, an

addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-77.

4. POSTPONED SINCE MAY 14, 2019. REQUEST TO FURTHER POSTPONE TO JUNE 11, 2019. Conduct a public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-78.

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

1. Approve Minutes of Regular Meeting held May 14, 2019.
2. Approve the Claims.
3. Receive recommendations of Planning Commission and set June 11, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2020: Restrictions Permit Applications as follows:
  - a) Countryside Mobile Park, 1920 15th Avenue;
  - b) Merriweather Mobile Home Village, 914 West 17th Street;
  - c) Rodeo Court, 2414 West 24th Street;
  - d) R-Villa East, 2500, 2719, 2803 West 24th Street;
  - e) R-Villa West, 2500, 2719, 2803 West 24th Street;
  - f) R-Villa South, 2500, 2719, 2803 West 24th Street;
  - g) Valley View Mobile Home Court, 2701 and 2801 Grand Avenue; and
  - h) Villa Park, 2703 West 24th Street.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Grant Wakefield submitted by Kearney Country Club located at 2800 19th Avenue in connection with their Class C-009051 liquor license.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class IK-123077 liquor license application and manager application for Toby Wetmore submitted by PepperJax Development LLC dba The Cellar Hometown Bar & Grill located at 3901 2nd Avenue.
7. Adopt Resolution No. 2019-83 approving Change Order No. 1 requesting an extension to the completion date to finalize installation, Change Order No. 2 showing an increase in the amount of \$73,286.00 (additional water main at Patriot Park) and Application and Certificate for Payment No. 2 in the amount of \$402,490.93 submitted by Midlands

Contracting, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth Addition for the construction of water and sewer infrastructure (Bid A).

8. Adopt Resolution No. 2019-84 approving Application and Certificate for Payment No. 1 in the amount of \$35,978.40 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B).
9. Adopt Resolution No. 2019-85 approving Change Order No. 4 showing a decrease in the amount of \$10,275.64 and a change to increase the contract time originally established, Application and Certificate for Payment No. 13-Final in the amount of \$136,494.32 and accept the Certificate of Substantial Completion 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.
10. Adopt Resolution No. 2019-86 approving Application and Certificate for Payment No. 1 in the amount of \$167,322.60 submitted by Dan Roeder Concrete and approved by Miller & Associates for 2018 Part 1 Improvements for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue, consisting of Paving Improvement District No. 2018-988 (Bid B).
11. Adopt Resolution No. 2019-87 approving Application and Certificate for Payment No. 1 in the amount of \$59,026.05 submitted by GD Concrete Construction, Inc. and approved by Miller & Associates for the CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line.
12. Accept the bids received for the 2019 Part 4 Improvements for Paving Improvement District No. 2019-995 for 19th Street from the southeast corner of Lot 770, thence northerly 131 feet, thence westerly 140 feet, thence southerly 346 feet, thence easterly 130 feet thence northerly 185 feet, thence easterly 10 feet, thence northerly 30 feet to the point of beginning, all in Original Town Kearney Junction and adopt Resolution No. 2019-88 awarding the bid to Nielsen Contracting in the amount of \$59,205.00.
13. Approve Resolution No. 2019-89 to accept and adopt the proposed Special Designated License (SDL) Guidelines for the Administrative Approval of SDL applications and authorize the City Manager or his designee to execute the application.
14. Approve Resolution No. 2019-90 to accept and adopt the proposed Special Event Applications Guidelines for the Administrative Approval of Special Event Applications and authorize the City Manager or his designee to execute the application.
15. Adopt Resolution No. 2019-91 approving the Agency Agreement between the City of Kearney and Nebraska Department of Transportation (NDOT), Aeronautics Division for Project No. X02 allowing the NDOT, Aeronautics Division to act as the City's agent for the project.

\* ***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. Settlement agreement entered into by EMC on behalf of the City with Jose Klich in the amount of \$300,000.00 which has been paid by EMC per the City’s law enforcement liability coverage.
2. Open Account Claim to NPPD - \$100,332.51.

**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)