

# **KEARNEY CITY COUNCIL**

## **AGENDA**

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

**February 11, 2020**

**5:30 p.m.**

### **I. ROUTINE BUSINESS**

1. Invocation by Pastor Joel Stark from Living Faith Fellowship.
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 Sergeant Brad Newell.

### **II. UNFINISHED BUSINESS**

### **III. PUBLIC HEARINGS**

1. Conduct a public hearing on the Application submitted by Brad Vontz for Vontz Paving for Waters View Inc., a Nebraska Corporation for a Conditional Use Permit to operate an asphalt batch plant on property zoned District AG, Agricultural District and described as part of Lots 3 and 4, as part of the Northwest Quarter that lies North of the North Channel of the Platte River, including accreted land, in Section 11, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street and East of Imperial Avenue) and consider Ordinance No. 8396.
2. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife, to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8725 17th Avenue) and consider Ordinance No. 8397.
3. Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife, for the Final Plat for K and S Second Subdivision, a subdivision being part of the Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M.,

Buffalo County, Nebraska (8725 17th Avenue) and consider Resolution No. 2020-14.

4. Conduct a public hearing on the Application submitted by Miller & Associates for 21st Century Investment Co., LLC, a Nebraska Limited Liability Company to rezone from District C-3/PD, General Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being all of Outlot A of Meridian West, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and being part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 30th Avenue and West Highway 30) and consider Ordinance No. 8398.
5. Conduct a public hearing on the Applications submitted by Miller & Associates for 21st Century Investment Co., LLC, a Nebraska Limited Liability Company to 1) vacate a sanitary sewer easement and water line easement of varying widths in Outlot "A" of Meridian West, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8399; 2) vacate all of Lots 1 through 20, inclusive, and Outlot "A" of Meridian West, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8400; and 3) the Final Plat and Subdivision Agreement for Meridian West Second, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all Lots 1 through 20, inclusive, and all of Outlot A of Meridian West, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and being part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 30th Avenue and West Highway 30) and consider Resolution No. 2020-15.
6. Conduct a public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation, to rezone from District RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District to District AG, Agricultural District for property described as a tract of land being part of Outlot C, Block One, being part of Lot 12, and part of Outlot B, Block Two, being all of Lots 1, 2, 3, 4, 5, 7, 8, 9 and part of Lot 6, Block Three, being all of Lot 1, and Outlot D, Block Four, and part of Turkey Creek Boulevard of Turkey Creek Second Subdivision, a subdivision being part of Government Lots 6, 7 and 9, and accretions abutting said lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80) and consider Ordinance No. 8401.
7. Conduct a public hearing on the Applications submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation to 1) vacate part of the 10 foot wide Utility Easements in Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8402; 2) vacate a portion of Turkey Creek Boulevard (private drive) and a portion of Talmadge Road described as part of Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8403; 3) vacate part of Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska and

consider Ordinance No. 8404; and 4) the Final Plat and Subdivision Agreement for Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9 and accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being all of Lot 11, part of Lot 12, and part of Outlot B, Block Two, part of Lot 6, Block Three, and part of Turkey Creek Boulevard of Turkey Creek Second Subdivision (to be vacated), being part of Government Lot 6, Government Lot 7 and Government Lot 9, and accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80) and consider Resolution No. 2020-16.

8. Conduct a public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation for a Conditional Use Permit to operate a sand and gravel mining operation on property zoned District AG, Agricultural District and described as a tract of land being part of Government Lot 6, part of Government Lot 7 and part of Government Lot 8, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80) and consider Ordinance No. 8405.
9. Conduct a public hearing on the 1) proposed acquisition of a Water Main Easement from Ace Irrigation and Manufacturing, a Nebraska Corporation for an area of land described as a strip of land 20.0 feet in width located in the South Half of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and said strip of land located in Tract "C" in the Midway Industrial District, Kearney Air Field, which tract lies in the South Half of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2020-17; 2) granting of a Fence Line Easement to Ace Irrigation and Manufacturing, a Nebraska Corporation for an existing chain link fence located in part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2020-18; and 3) granting of a Gap Easement to Ace Irrigation and Manufacturing, a Nebraska Corporation for tracts of land being part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as being all that part of the Southwest Quarter of Section 28 located southerly of the South line of Lot 1, Block Two, Piper Subdivision, Buffalo County, Nebraska and consider Resolution No. 2020-19.

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

1. Approve Minutes of Regular Meeting held January 28, 2020.
2. Approve the Claims.
3. Adopt Resolution No. 2020-20 approving the amendment to Section 9 of the Employment Agreement between the City of Kearney and City Manager Michael Morgan regarding Disability, Health and Life Insurance.
4. Accept the bids received for the purchase of a 1-Ton Regular Cab Pick-Up Chassis to be used in the Water Operations Division of the Utilities Department and award the bid to Platte Valley Auto in the amount of \$26,737.00.

5. Approve the Plans and Specifications for the 2020 Part 5 Improvements for the removal and replacement of 11th Street and 2nd Avenue Intersection and set the bid opening date for March 3, 2020 at 2:00 p.m.
  6. Approve the Plans and Specifications for the Airport Lift Station Grinder and set the bid opening date for March 17, 2020 at 2:00 p.m.
  7. Adopt Resolution No. 2020-21 accepting the Certificate of Completion and Release submitted by Paulsen, Inc. and approved by the Nebraska Department of Transportation – Division of Aeronautics for AIP Project 3-31-0045-031; Runway 18/36 Reconstruction at the Kearney Regional Airport.
  8. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-123538 liquor license application and manager application for Justin Hoff submitted by Hoff Brothers Inc dba Fill-N-Chill #011 located at 5605 2nd Avenue West.
  9. Adopt Resolution No. 2020-22 approving the Real Estate Purchase Agreement between Kappas Enterprises, LLC, a Nebraska Limited Liability Company and the City of Kearney for the purchase of property described as a tract of land being accretions that lie South of Government Lot 4, Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Cherry Avenue and North of Pony Lake Drive).
- \* *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. Approve Ordinance No. 8406 amending Section 8-309 “Spilling Loads” of Article 3 “General Traffic Regulations” of Chapter 8 “Police” of the City Code to amend the Section Number incorrectly listed for “State Law Reference – Similar Provisions, Nebraska Revised Statute 39-6,137”.

## VI. REGULAR AGENDA

## VII. REPORTS

## VIII. ADJOURN

Mayor Stanley Clouse  
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238-5210 office  
[mayor@kearneygov.org](mailto:mayor@kearneygov.org)

Vice-President Randy Buschkoetter  
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Council Member Tami James  
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Council Member Jonathan Nikkila  
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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)